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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

3° VICTORIÆ, 1840.

VOL. LI.

COMPRISING THE PERIOD FROM
THE SIXTEENTH DAY OF JANUARY,
TO
THE SIXTH DAY OF FEBRUARY, 1840.

First Volume of the Seſſion.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; DOLMAN; LONGMAN AND CO.; J. M. RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD; R. H. EVANS J. BIGG; J. BOOTH.

1840.

LONDON:
THOMAS CURSON HANSARD, PATERNOSTER-ROW.

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THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Viscount Melbourne.
Lord Chancellor	Lord Cottenham.
President of the Council	Marquess of Lansdowne.
First Lord of the Admiralty	Earl of Minto.
Chancellor of the Duchy of Lancaster	Lord Holland.
Lord Privy Seal	Earl of Clarendon.
First Commissioner of Land Revenue	Viscount Duncannon.
Home Secretary	Marquess of Normanby.
Foreign Secretary	Viscount Palmerston.
Colonial Secretary	Lord John Russell.
President of the Board of Control	Right Hon. Sir John Cam Hobhouse, Bart.
Secretary-at-War	Right Hon. Thomas Babington Macauley.
President of the Board of Trade and Master of the Mint	Right Hon. Henry Labouchere.
Chancellor of the Exchequer	Right Hon. Francis Thornhill Baring.
Chief Secretary for Ireland	Viscount Morpeth.

NOT OF THE CABINET.

Postmaster-General	Earl of Lichfield.
Vice President of the Board of Trade	Right Hon. Richard Lalor Sheil.
Paymaster-General	Right Hon. Sir Henry Parnell, Bart.
Master General of the Ordnance	Right Hon. Sir R. H. Vivian, Bart.
Attorney-General	Sir John Campbell.
Solicitor-General	Thomas Wilde, Esq.

IRELAND.

Lord Lieutenant	Viscount Ebrington.
Lord Chancellor	Lord Plunkett.
Chief Secretary	Viscount Morpeth
Attorney-General	Right Hon. Maziere Brady.
Solicitor-General	David Richard Pigot, Esq.

SCOTLAND.

Lord Advocate	Andrew Rutherfurd, Esq.
Solicitor-General	James Ivory, Esq.

HOUSEHOLD APPOINTMENTS.

Lord Chamberlain	Earl of Uxbridge.
Lord Steward	Earl of Errol.
Master of the Horse	Earl of Albemarle

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL,

In the *Third Session* of the *Thirteenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*.

3° VICTORIÆ 1840.

His Royal Highness Ernest Augustus Duke of Cumberland and Teviotdale. *(King of Hanover.)*

His Royal Highness Augustus Frederick Duke of Sussex.

His Royal Highness Adolphus Frederick Duke of Cambridge.

William Archbishop of Canterbury.

Charles Christopher Lord Cottenham, *Lord Chancellor.*

Edward Archbishop of York.

Richard Archbishop of Dublin.

Henry Marquess of Lansdowne, *Lord President of the Council.*

George William Frederick Earl of Clarendon, *Lord Privy Seal.*

Bernard Edward Duke of Norfolk, *Earl Marshal of England.*

Edward Adolphus Duke of Somerset.

Charles Duke of Richmond.

George Henry Duke of Grafton.

Henry Duke of Beaufort.

William Aubrey de Vere Duke of St. Alban's.

Francis Godolphin D'Arcy Duke of Leeds.

Francis Duke of Bedford.

William Spencer Duke of Devonshire.

George Spencer Duke of Marlborough.

John Henry Duke of Rutland.

Alexander Duke of Brandon.

William Henry Cavendish Duke of Portland.

William Duke of Manchester.

Charles Sackville Duke of Dorset.

Henry Pelham Duke of Newcastle.

Hugh Duke of Northumberland.

Arthur Duke of Wellington.

Richard Plantagenet Temple Duke of Buckingham and Chandos.

George Granville Duke of Sutherland.

William Harry Duke of Cleveland.

Charles Ingoldsby Marquess of Winchester.

George Marquess of Tweeddale. *(Elected for Scotland.)*

Henry Marquess of Lansdowne. (*In another place as Lord President of the Council.*)

George Ferrars Marquess Townshend.

James Brownlow William Marquess of Salisbury.

John Alexander Marquess of Bath.

James Marquess of Abercorn.

Francis Charles Marquess of Hertford.

John Crichton Marquess of Bute.

William Marquess of Thomond. *(Elected for Ireland.)*

Brownlow Marquess of Exeter.

Spencer Joshua Alwyne Marquess of Northampton.
John Jeffreys Marquess Camden.
Henry William Marq. of Anglesey.
George James Horatio Marquess of Cholmondeley.
George Augustus Francis Marquess of Hastings.
Charles Marquess of Ailesbury.
George Thomas John Marquess of Westmeath. *(Elected for Ireland.)*
Frederick William Marquess of Bristol.
Archibald Marquess of Ailsa.
John Marquess of Breadalbane.
Robert Marquess of Westminster.
Henry Constantine Marquess of Normanby. (*One of Her Majesty's principal Secretaries of State.*)

John Earl of Shrewsbury.
Edward Smith Earl of Derby.
Francis Theophilus Henry Earl of Huntingdon.
Robert Henry Earl of Pembroke and Montgomery.
William Earl of Devon.
Thomas Earl of Suffolk and Berkshire.
Basil Percy Earl of Denbigh.
John Earl of Westmoreland.
Albemarle George Augustus Frederick Earl of Lindsey.
George Harry Earl of Stamford and Warrington.
George William Earl of Winchilsea and Nottingham.
George Augustus Frederick Earl of Chesterfield.
Henry Earl of Thanet.
John William Earl of Sandwich.
Arthur Algernon Earl of Essex.
James Thomas Earl of Cardigan.
George Earl of Carlisle.
Walter Francis Earl of Doncaster. *(Duke of Buccleuch and Queensberry.)*
Cropley Earl of Shaftesbury.
———— Earl of Berkeley.
Montague Earl of Abingdon.
Henry Earl of Plymouth.
John Savile Earl of Scarborough.
William Charles Earl of Albemarle.
George William Earl of Coventry.
George Earl of Jersey.
John Earl Poulett.
George Sholto Earl of Morton (*Elected for Scotland.*)
Alexander Earl of Home. (*Elected for Scotland.*)
Thomas Earl of Elgin and Kincardine (*Elected for Scotland.*)
David Earl of Airlie. (*Elected for Scotland.*)
David Earl of Leven and Melville. (*Elected for Scotland.*)
Dunbar James Earl of Selkirk. *(Elected for Scotland.)*
Thomas John Earl of Orkney. (*Elected for Scotland.*)
Edward Earl of Oxford and Earl Mortimer.
Washington Earl Ferrers.
William Earl of Dartmouth.
Charles Augustus Earl of Tankerville.
Heneage Earl of Aylesford.
George Augustus Frederick Earl Cowper.
Philip Henry Earl Stanhope.
Robert Earl of Harborough.
George Earl of Macclesfield.
George William Richard Earl of Pomfret.
James Earl Graham. (*Duke of Montrose.*)
George Edward Earl Waldegrave.
Bertram Earl of Ashburnham.
Charles Earl of Harrington.
John Charles Earl of Portsmouth.
Henry Richard Earl Brooke and Earl of Warwick.
George Robert Earl of Buckinghamshire.
Charles William Earl Fitzwilliam.
George Francis Earl of Egremont.
Francis Earl of Guilford.
James Earl Cornwallis.
Charles Philip Earl of Hardwicke.
Henry Stephen Earl of Ilchester.
George John Earl De La Warr.
William Earl of Radnor.
John Charles Earl Spencer.

Henry George Earl Bathurst.
Arthur Blundell Sandys Trumbull Earl of Hillsborough. (*Marquess of Downshire.*)
George William Frederick Earl of Clarendon. (*In another place as Lord Privy Seal.*)
Henry Earl of Abergavenny.
Charles Chetwynd Earl Talbot.
John Earl Strange. (*Duke of Athol.*)
Ernest Augustus Earl of Mount Edgecumbe.
Hugh Earl Fortescue.
Edward Earl Digby.
George Earl of Beverley.
William Earl of Mansfield.
Henry John George Earl of Carnarvon.
Charles Cecil Cope Earl of Liverpool.
George Earl Cadogan.
James Edward Earl of Malmesbury.
Francis William Earl of Charlemont. (*Lord Charlemont.*) (*Elected for Ireland.*)
Stephen Earl of Mount Cashell. (*Elected for Ireland.*)
John Earl of Mayo. (*Elected for Ireland.*)
John Willoughby Earl of Enniskillen. (*Lord Grinstead.*) (*Elected for Ireland.*)
William Earl of Wicklow. (*Elected for Ireland.*)
Somerset Lowry Earl of Belmore. (*Elected for Ireland.*)
Charles Henry St. John Earl O'Neill. (*Elected for Ireland.*)
James Earl of Bandon. (*Elected for Ireland.*)
James Alexander St. Clair, Earl of Rosslyn.
William Earl of Craven.
Arthur George Earl of Onslow.
Charles Earl of Romney.
Henry Thomas Earl of Chichester.
Thomas Earl of Wilton.
Edmund Henry Earl of Limerick. (*Lord Foxford.*) (*Elected for Ireland.*)
Edward Earl of Powis.
Horatio Earl Nelson.
Archibald Earl of Gosford. (*Lord Worlingham.*) (*Elected for Ireland.*)
Lawrence Earl of Rosse. (*Elected for Ireland.*)
Charles William Earl of Charleville. (*Elected for Ireland.*)
Charles Herbert Earl Manvers.
Horatio Earl of Orford.
Charles Earl Grey.
William Earl of Lonsdale.
Dudley Earl of Harrowby.
Henry Earl of Harewood.
Gilbert Elliot Murray Earl of Minto.
William Schaw Earl Cathcart.
James Walter Earl of Verulam.
John Earl Brownlow.
William Earl of Saint Germans.
John Earl of Morley.
George Augustus Frederick Henry Earl of Bradford.
John Reginald Earl Beauchamp.
Richard Earl of Glengall. (*Elected for Ireland.*)
Thomas Philip Earl de Grey.
John Earl of Eldon.
Edward Earl of Falmouth.
Richard William Penn Earl Howe.
John Somers Earl Somers.
John Edward Cornwallis Earl of Stradbroke.
Windham Henry Earl of Dunraven and Mount Earl. (*Elected for Ireland.*)
Charles William Earl Vane. (*Marquess of Londonderry.*)
William Pitt Earl Amherst.
John Frederick Earl Cawdor.
George Earl of Munster.
William Earl of Burlington.
Robert Dundas Earl of Camperdown.
Thomas William Earl of Lichfield.
John George Earl of Durham.
Frederick John Earl of Ripon.
Granville Earl Granville.
Kenneth Alexander Earl of Effingham.
Thomas Reynolds Earl of Ducie.
Charles Anderson Earl of Yarborough.
James Henry Robert Earl of Innes. (*Duke of Roxburghe.*)
Thomas William Earl of Leicester.

William Earl of Lovelace.
Thomas Earl of Zetland.
George Earl of Auckland.

Henry Viscount Hereford.
John Viscount Arbuthnott. *(Elected for Scotland.)*
James Viscount Strathallan. *(Elected for Scotland.)*
Henry Visc. Bolingbroke and St. John.
George Viscount Torrington.
Augustus Frederick Viscount Leinster. *(Duke of Leinster.)*
Henry Viscount Maynard.
John Robert Viscount Sydney.
Samuel Viscount Hood.
John Viscount De Vesci. *(Elected for Ireland.)*
Hayes Viscount Doneraile. *(Elected for Ireland.)*
Cornwallis Viscount Hawarden. *(Elected for Ireland.)*
Edward Jervis Viscount St. Vincent.
Robert Saunders Viscount Melville.
Henry Viscount Sidmouth.
Robert Edward Viscount Lorton. *(Elected for Ireland.)*
Warwick Viscount Lake.
George Viscount Gordon. *(Earl of Aberdeen.)*
Charles Viscount Gort. *(Elected for Ireland.)*
Edward Viscount Exmouth.
John Hely Viscount Hutchinson. *(Earl of Donoughmore.)*
William Carr Viscount Beresford.
William Thomas Viscount Clancarty.
Stapleton Viscount Combermere.
Charles John Viscount Canning.
Charles Viscount Canterbury.
John Viscount Ponsonby.

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Chas. Richard Bishop of Winchester.
Geo. Henry Bp. of Bath and Wells.
George Bishop of Rochester.
John Bishop of Lincoln.
William Bishop of St. Asaph.
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Hugh Bishop of Carlisle.
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John Bird Bishop of Chester.
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Henry Bishop of Exeter.
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Edward Bishop of Salisbury.
Edward Bishop of Norwich.
Thomas Bishop of Hereford.
George Bishop of Peterborough.
James Bishop of Lichfield.
Richard Bishop of Down and Connor.
Robert Bishop of Leighlin and Ferns.
Samuel Bishop of Cork and Ross.

William George Lord Kilmarnock, *(Earl of Errol) Lord Steward of the Household.*
Henry Lord Paget, *Lord Chamberlain of the Household.*
William Lenox Lascelles Lord De Ros.
George Edward Lord Audley.
Charles Rodolphus St. John Lord Clinton.
Thomas Lord Dacre.
Peter Robert Lord Willoughby D'Eresby.
Thomas Lord Camoys.
William Lord Stourton.
Henry Lord Berners.
Henry Lord Willoughby De Broke.
George Browne Lord Vaux.
Henry Lord Paget. *(In another place as Lord Chamberlain of the Household.)*
St. Andrew Lord St. John of Bletso.
Charles Augustus Lord Howard de Walden.
George Harry Lord Grey of Groby.
William Francis Henry Lord Petre.
Gregory William Lord Saye and Sele.
Henry Benedict Lord Arundell of Wardour.
John Lord Clifton. *(Earl of Darnley.)*
Joseph Thaddeus Lord Dormer.

THE LORDS' ROLL.

Henry Francis Lord Teynham.
George William Lord Stafford.
George Anson Lord Byron.
William Lord Ward.
Hugh Charles Lord Clifford of Chudleigh.
James Ochoncar Lord Forbes. *(Elected for Scotland.)*
Alexander George Lord Saltoun and Abernethy. *(Elected for Scotland.)*
Francis Lord Gray. *(Elected for Scotland.)*
Charles Lord Sinclair. *(Elected for Scotland.)*
John Lord Colville of Culross. *(Elected for Scotland.)*
Eric Lord Reay. *(Elected for Scotland.)*
Edmund Lord Boyle. *(Earl of Cork and Orrery.)*
Thomas Robert Lord Hay. *(Earl of Kinnoul.)*
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Frederick John Lord Monson.
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Hugh Lord Fortescue.
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George Talbot Lord Dynevor.
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Fletcher Lord Grantley.
George Lord Rodney.
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John Lord Sherborne.
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Guy Lord Dorchester.
George Lord Kenyon.
Richard Lord Braybrooke.
George Augustus Lord Fisherwick. *(Marquess of Donegal.)*
Archibald Lord Douglas of Douglas.
Henry Hall Lord Gage. *(Visc. Gage.)*
Edward Thomas Lord Thurlow.
Geore William Lord Lyttleton.
Henry Lord Mendip. *(Viscount Clifden.)*
Henry John Lord Selsey.
Francis Lord Stuart of Castle Stuart. *(Earl of Moray.)*
Randolph Lord Stewart of Garlies *(Earl of Galloway.)*
James Thomas Lord Saltersford. *(Earl of Courtown.)*
George Allan Lord Brodrick. *(Viscount Middleton.)*
George Gough Lord Calthorpe.
John Lord Rolle.
Richard Lord Wellesley. *(Marquess Wellesley.)*
Robert John Lord Carrington.
Henry William Lord Bayning.
William Powlett Lord Bolton.
John Lord Wodehouse.
John Lord Northwick.
Thomas Atherton Lord Lilford.
Thomas Lord Ribblesdale.
John Lord Fitzgibbon. *(Earl of Clare.)*
Edward Wadding Lord Dunsany. *(Elected for Ireland.)*
John Evans Lord Carbery. *(Elected for Ireland.)*
Henry Lord Farnham. *(Elected for Ireland.)*
Robert Lord Clonbrock. *(Elected for Ireland.)*
Edward Lord Crofton. *(Elected for Ireland).*
Henry Sadlier Lord Dunally. *(Elected for Ireland.)*

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Henry Francis Seymour Lord Moore. *(Marquess of Drogheda.)*

John Lord Loftus. *(Marquess of Ely.)*

John Lord Carysfort. *(Earl of Carysfort.)*

William Lord Alvanley.

George Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Edward Lord Ellenborough.

Arthur Moyses William Lord Sandys.

Charles George Lord Arden.

George Augustus Frederick Chas. Lord Sheffield. *(Earl of Sheffield.)*

Charles Noel Lord Barham.

David Montagu Lord Erskine.

Howe Peter Lord Mont Eagle. *(Marquess of Sligo.)*

Archibald William Lord Ardrossan. *(Earl of Eglintoun.)*

James Lord Lauderdale. *(Earl of Lauderdale.)*

George Arthur Lord Granard. *(Earl of Granard.)*

Hungerford Lord Crewe.

Alan Legge Lord Gardner.

Thomas Lord Manners.

John Lord Hopetoun and Niddry. *(Earl of Hopetoun.)*

Thomas Lord Lynedoch.

Rowland Lord Hill.

James Andrew Lord Dalhousie. *(Earl of Dalhousie.)*

George Lord Meldrum. *(Marquess of Huntly.)*

George Lord Ross. *(Earl of Glasgow.)*

John Willoughby Lord Grinstead. *(In another place as Earl of Enniskillen.)*

Edmund Henry Lord Foxford. *(In another place as Earl of Limerick.)*

William Lord Melbourne. *(Viscount Melbourne.)*

Francis Almaric Lord Churchill.

William George Lord Harris.

Algernon Lord Prudhoe.

Charles Lord Colchester.

John William Robert Lord Ker. *(Marquess of Lothian.)*

Francis Nathaniel Lord Minster; *(Marquess Conyngham.)*

John Lord Ormonde. *(Marquess of Ormonde.)*

Francis Lord Wemyss. *(Earl of Wemyss and March.)*

Robert Lord Clanbrassil. (*Earl of Roden.*)

Edward Lord Kingston.

Edward Michael Lord Silchester. (*Earl of Longford.*)

George Augustus Frederick John Lord Glenlyon.

William Lord Maryborough.

Thomas Henry Lord Oriel. *(Viscount Ferrard.)*

Thomas Henry Lord Ravensworth.

Thomas Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Ulysses Bagenal Lord Downes. *(Elected for Ireland.)*

Nicholas Lord Bexley.

Robert Francis Lord Gifford.

Percy Clinton Sydney Lord Penshurst. (*Viscount Strangford.*)

William Lord Tadcaster. (*In another place as Marquess of Thomond.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Balcarres.*)

Thomas Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

James Archibald Lord Wharncliffe.

Charles Lord Feversham.

Charles Rose Lord Seaford.

John Singleton Lord Lyndhurst.

James Lord Fife. (*Earl of Fife.*)

John Henry Lord Tenterden.

William Conyngham Lord Plunkett.

Thomas Lord Melrose. *(Earl of Haddington.)*

Henry Lord Cowley.

Charles Lord Stuart de Rothesay.

William Lord Heytesbury.

Archibald John Lord Rosebery. *(Earl of Rosebery.)*

Richard Lord Clanwilliam. *(Earl of Clanwilliam.)*

Edward Lord Skelmersdale.

Thomas Lord Wallace.

William Draper Lord Wynford.

Henry Lord Brougham and Vaux.

William George Lord Kilmarnock. *(Earl of Erroll.) (In another place as Lord Steward of the Household.)*

Arthur James Lord Fingall. *(Earl of Fingall.)*

William Charles Lord Sefton. *(Earl of Sefton.)*

George William Fox Lord Rossie.

Nathaniel Lord Clements. *(Earl of Leitrim.)*

Thomas Lord Kenlis. *(Marquess of Headfort.)*

John Chambre Lord Chaworth. *(Earl of Meath.)*

Alexander Edward Lord Dunmore. *(Earl of Dunmore.)*

George James Lord Ludlow. *(Earl Ludlow.)*

Robert Montgomery Lord Hamilton.

John Hobart Lord Howden.

William Lord Panmure.

George Warwick Lord Poltimore.

Edward Pryce Lord Mostyn.

William Fitzhardinge Lord Segrave.

Henry Spencer Lord Templemore.

William Lewis Lord Dinorben.

Valentine Browne Lord Cloncurry.

James Lord De Saumarez.

Francis Godolphin Lord Godolphin.

Lucius Lord Hunsdon. *(Viscount Falkland.)*

Charles Callis Lord Western.

Thomas Lord Denman.

John William Lord Duncannon.

William Vesey Lord Fitzgerald.

James Lord Abinger.

Philip Charles Lord De L'Isle and Dudley.

Alexander Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

John Lord Strafford.

Archibald Lord Worlingham. *(In another place as Earl of Gosford.)*

Charles Christopher Lord Cottenham. *(In another place as Lord Chancellor.)*

Henry Lord Langdale.

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Lord Bateman.

Francis William Lord Charlemont. *(In another place as Earl of Charlemont.)*

Anthony Adrian Keith Lord Kintore. *(Earl of Kintore.)*

Cornelius Lord Lismore. *(Viscount Lismore.)*

Warner William Lord Rosmore.

Robert Shapland Lord Carew.

William Francis Spencer Lord De Mauley.

John Lord Wrottesly.

Charles Hanbury Lord Sudeley.

Paul Lord Methuen.

Frederic James Lord Beauvale.

Richard Wogan Lord Furnival.

John Thomas Lord Stanley.

Henry Villiers Lord Stuart de Decies.

Charles Lord Leigh.

Paul Beilby Lord Wenlock.

Charles Lord Lurgan.

Nicholas William Ridley Lord Colborne.

Arthur Lord De Freyne.

James Lord Dunfermline.

Thomas Spring Lord Monteagle.

John Lord Seaton.

John Lord Keane.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO THE *THIRD SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND*, AND *THIRD* OF *QUEEN VICTORIA*. SUMMONED TO MEET FOR DISPATCH OF BUSINESS JANUARY, 16, 1840.

ABINGDON.
Thomas Duffield.

ANDOVER.
Sir John Walt. Pollen, bt.,
Ralph Etwall.

ANGLESEY.
Hon. Wm. Owen Stanley.

ARUNDEL.
Hon. H. Granville (Howard) Lord Fitzalan.

ASHBURTON.
Charles Lushington.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
William Rickford,
Charles J. Baillie Hamilton.

BANBURY.
Henry Wm. Tancred.

BARNSTAPLE.
John P. Bruce Chichester,
Frederick Hodgson.

BATH.
Right hon. Henry visc. Powerscourt,
Wm. Heald Ludlow Bruges.

BEAUMARIS.
Frederick Paget.

BEDFORD.
Frederick Polhill,
Samuel Crawley.

BEDFORDSHIRE.
Hon. Charles James Fox (Russell) Lord C. J. Fox Russell,
Hon. John Hume (Cust) Visc. Alford.

BERKSHIRE.
Robert Palmer,
Philip Pusey,
Rt. hon. William visc. Barrington.

BERWICK-UPON-TWEED.
Richard Hodgson,
William Holmes.

BEVERLEY.
James Weir Hogg,

BEWDLEY.
Sir Thomas E. Winnington, bt.

BIRMINGHAM.
Joshua Scholefield.

BLACKBURN.
William Feilden,
William Turner.

BODMYN.
Sir Sam. Thomas Spry, knt.,
Charles C. Vivian,

BOLTON-LE-MOORS.
William Bolling,
Peter Ainsworth.

BOSTON.
John S. Brownrigg,
Sir James Duke, knt.

BRADFORD.
Ellis Cunliffe Lister,
William Busfield.

BRECNOCKSHIRE.
Thomas Wood.

BRECON.
Charles Morgan Robinson Morgan.

BRIDGENORTH.
Thos. Charlton Whitmore,
Robert Pigot.

BRIDGEWATER.
Henry Broadwood,
Philip Courtenay.

BRIDPORT.
Henry Warburton,
Swinfin Jervis.

BRIGHTHELMSTONE.
George Richard Pechell,
Sir Adolphus John Dalrymple, bt.

BRISTOL.
Philip William S. Miles,
Hon. Francis Henry Fitzhardinge Berkeley.

BUCKINGHAM.
Sir Thomas Fremantle, bt.,
Sir Harry Verney, bt.

BUCKINGHAMSHIRE.
Sir William Young, bt.,
George Simon Harcourt,
Caledon George Du Pré.

BURY.
Richard Walker.

BURY ST. EDMUND'S.
Rt. Hon. Charles (Fitzroy) Lord C. Fitzroy,
Hon. Fred. Will. (Hervey) Earl Jermyn.

CALNE.
Hon. Henry Petty (Fitzmaurice) Earl of Shelburne.

CAMBRIDGE.
George Pryme,
Hon. John Henry Thomas Manners Sutton.

CAMBRIDGESHIRE.
Richard Greaves Townley,
Hon. Eliot Thomas Yorke,
Richard Jefferson Eaton.

CAMBRIDGE (UNIVERSITY)
Rt. hon. Henry Goulburn,
Hon. Charles Ewan Law.

CANTERBURY.
Albert Denison (Conyngham) Lord A. Conyngham,
James Bradshaw.

CARDIFF.
John Nicholl.

CARDIGAN.
Pryse Pryse.

CARDIGANSHIRE.
William Edw. Powell.

CARLISLE.
Philip Henry Howard,
William Marshall.

CARMARTHEN.
David Morris.

CARMARTHENSHIRE.
Hon. George Rice Trevor,
John Jones.

CARNARVON.
William Bulkeley Hughes.

CARNARVONSHIRE.
John Ralph Ormsby Gore.

CHATHAM.
Right hn. George Stevens Byng.

CHELTENHAM.
Hon. Craven Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)
Hon. Edward John Stanley,
William Tatton Egerton.
(Southern Division.)
George Wilbraham,
Sir Philip de Malpas Grey Egerton, bt.

CHESTER.
Right hon. Robert (Grosvenor) Lord R. Grosvenor,
John Jervis.

CHICHESTER.
Hon. Arthur (Lennox) Lord A. Lennox,
John Abel Smith.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
Right hon. Sir George Henry Rose G.C.H.

CIRENCESTER.
Joseph Cripps,
Thomas William Chester Master.

CLITHEROW.
John Fort.

COCKERMOUTH.
Edward Horsman,
Henry Aglionby Aglionby.

COLCHESTER.
Richard Sanderson,
Sir George Henry Smyth, bt.

CORNWALL.
(Eastern Division.)
Edward Granville (Eliot) Lord Eliot,
Right hon. Sir Richard Hussey Vivian, bt.
(Western Division.)
Edward William Wynne Pendarves,
Sir Charles Lemon, bt.

COVENTRY.
Right hon. Edward Ellice,
William Williams.

CRICKLADE.
John Neeld,
Ambrose Goddard.

CUMBERLAND.
(Eastern Division).
William James,
Francis Aglionby.
(Western Division.)
Edward Stanley,
Samuel Irton.

DARTMOUTH.
Sir John Henry Seale bt.

DENBIGH.
Wilson Jones.

DENBIGHSHIRE.

Hon. William Bagot.

DERBY.
Edward Strutt,
Hon. John George Brabazon Ponsonby.

DERBYSHIRE.
(Northern Division.)
Hon. Geo. Hen. Cavendish,
William Evans.
(Southern Division.)
Sir George Crewe, bt.,
Francis Hurt.

DEVIZES.
Thomas Henry Sutton Bucknall Estcourt,
George Heneage Walker Heneage.

DEVONPORT.
Rt. hon. Sir George Grey, bt.

DEVONSHIRE.
Northern Division.)
Sir Thomas Dyke Acland, bt.,
Lewis William Buck.
(Southern Division.)
Montague Edmund Newcombe Parker,
Sir John Buller Yarde Buller, bt.

DORCHESTER.
Robert Williams,
Hon. Anthony Henry Ashley Cooper.

DORSETSHIRE.
Hon. Anthony (Ashley Cooper) Lord Ashley,
Henry Charles Sturt,
Hon. John George Charles Fox Strangways.

DOVER.
Sir John Rae Reid, bt.,
Hon. Edward Royd Rice.

DROITWICH.
John Somerset Pakington

DUDLEY.
Thomas Hawkes.

DURHAM.
(Northern Division)
Hedworth Lambton,
Hon. Henry T. Liddell.
(Southern Division.)
Joseph Pease,
John Bowes.

DURHAM (CITY.
William Charles Harland,
Right hon. Arthur visc. Dungannon.

ESSEX.
(Northern Division.)
Sir John Tyssen Tyrrell, bt.,
Charles Gray Round.
(Southern Division.)
Thomas William Branston,
George Palmer.

EVESHAM.
Hon. Arthur Marcus Cecil (Hill) Lord A. M. C. Hill,
George Rushout.

EXETER.
Edward Divett,
Sir William Webb Follett, knt.

EYE.
Sir Edward Kerrison, bt.

FINSBURY.
Thos. Slingsby Duncombe,
Thomas Wakley.

FLINT.
Charles Whitley Deans Dundas.

FLINTSHIRE.
Sir Stephen R. Glynne, bt.

FROME.
Thomas Sheppard.

GATESHEAD.
Cuthbert Rippon.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Hon. Edwin Richard Windham Wyndham (Quin) visct. Adare.

GLOUCESTER.
Henry Thomas Hope,
John Phillpots.

GLOUCESTERSHIRE.
(*Eastern Division.*)
Christopher William Codrington,
Hon. Augustus H. Moreton.

(*Western Division.*)
Hon. George Charles Grantley Fitzhardinge Berkeley,
Robert Blagden Hale.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
Edward George Barnard,
Matthias Wolv. Attwood.

GRIMSBY (GREAT).
Edward Heneage.

GUILDFORD.
Charles Baring Wall,
Hon. James Yorke Scarlett.

HALIFAX.
Charles Wood,
Edward Protheroe.

HALLESTON.
Hon. George John Frederick (West) visct. Cantilupe.

HAMPSHIRE.
(*Northern Division.*)
Rt. hon. Charles Shaw Lefevre,
Sir William Heathcote, bt.

(*Southern Division.*)
John Fleming,
Henry Combe Compton.

HARWICH.
Rt. hon. John C. Herries,
Alexander Ellice.

HASTINGS.
Rt. hon. Joseph Planta,
Robert Holland,

HAVERFORDWEST.
Sir Richard Bulkeley Philipps Philipps, bt.

HEREFORD.
Edward Bolton Clive,
Daniel Higford Duvall Burr.

HEREFORDSHIRE.
Sir Robert Price, bt.,
Kedgwin Hoskins,
Edward Thomas Foley.

HERTFORD.
Hon. Philip Henry (Stanhope) visct. Mahon,
Hon. William Francis Cowper.

HERTFORDSHIRE.
Hon. James Walter (Grimston) visct. Grimston,
Rowland Alston,
Abel Smith.

HONITON.
Hugh Duncan Baillie,
James Stewart.

HORSHAM.
Robert Henry Hurst.

HUDDERSFIELD.
William Rookes Crompton Stansfield.

HUNTINGDON.
Jonathan Peel,
Sir Frederick Pollock, knt.

HUNTINGDONSHIRE.
Edward Fellowes,
George Thornhill.

HYTHE.
Hon. William Hugh (Elliot) visct. Melgund.

IPSWICH.
Fitz Roy Kelly,
Sir Thomas John Cochrane, K.C.B.

KENDAL.
George William Wood.

KENT.
(*Eastern Division.*)
Rt. hon. Sir Edw. Knatchbull, bt.,
John Pemberton Plumptre.

(*Western Division.*)
Thomas Law Hodges,
Sir Edmund Filmer, bt.

KIDDERMINSTER.
Richard Godson.

KING'S LYNN.
Hon Willm. Geo. Fred. Cavendish (Bentinck) Lord W. G. F. C. Bentinck,
Rt. hon. Sir S. Canning, G.C.B.

KINGSTON-UPON-HULL.
William Hutt,
Sir Walter Charles James, bt.

KNARESBOROUGH.
Henry Rich,
Hon. Charles Langdale.

LAMBETH.
Rt. Hon. Charles Tennyson D'Eyncourt,
Benjamin Hawes.

LANCASHIRE.
(*Northern Division.*)
Rt. hon. Edw. Geoffrey Smith (Stanley) Lord Stanley,
John Wilson Patten.

(*Southern Division.*)
Rt. hon. F. Leveson (Egerton) Lord F. L. Egerton,
Hon. Richard B. Wilbraham.

LANCASTER.
Thomas Greene,
George Marton.

LAUNCESTON.
Rt. hon. Sir H. Hardinge, K.C.B.

LEEDS.
Edward Baines,
Sir William Molesworth, bt.

LEICESTER.
John Easthope,
Wynn Ellis.

LEICESTERSHIRE.
(*Northern Division.*)
Hon. Chas. Somerset (Manners) Lord C. S. Manners,
Edward Basil Farnham.

(*Southern Division.*)
Henry Halford,
Charles William Packe.

LEOMINSTER.
Rt. hon. Beaumont Lord Hotham,
Charles Greenaway.

LEWES.
Sir Chas. Richard Blunt, bt.,
Hon. Henry Fitzroy.

LICHFIELD.
Sir George Anson, G.C.B.,
Hon. Alfred Henry (Paget) Lord A. H. Paget.

LINCOLN.
Charles Delaet W. Sibthorp,
Sir Edward G. E. Lytton Bulwer, bt.

LINCOLNSHIRE.
(*Parts of Lindsey.*)
Hon. Charles A. W. (Pelham) Lord Worsley,

Robert Adam Christopher.

(Parts of Kesteven and Holland.)

Henry Handley,
Gilbert John Heathcote.

Liskeard.

Charles Buller.

Liverpool.

Hon. Dudley (Ryder) Viscount Sandon,
Creswell Creswell.

London.

Sir Matthew Wood, bt.,
James Pattison,
William Crawford,
George Grote.

Ludlow.

Henry Salwey,
Thomas Alcock.

Lyme Regis.

William Pinney.

Lymington.

Will. Alex. Mackinnon,
John Stewart.

Macclesfield.

John Brocklehurst,
Thomas Grimsditch.

Maidstone.

John Minet Fector,
Benjamin D'Israeli.

Maldon.

Quintin Dick,
John Round.

Malmesbury.

Hon. Charles John (Howard) Viscount Andover.

Malton.

John Walbanke Childers,
Hon. Will. Thos. Spencer Wentworth (Fitzwilliam) visct. Milton.

Manchester.

Mark Phillips,
Robert Hyde Greg.

Marlborough.

Hon. Ernest Augustus Charles Brudenell (Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

Marlow (Great).

Thomas Peers Williams,
Sir Will. Rob. Clayton, bt.

Marylebone.

Rt. hon. Chas. John Lord Teignmouth,
Sir Benjamin Hall, bt.

Merionethshire.

Richard Richards.

Merthyr Tydvil.

Sir Josiah John Guest, bt.

Middlesex.

George Byng,
Thomas Wood.

Midhurst.

Hon. Frederick Spencer.

Monmouth.

Reginald James Blewitt.

Monmouthshire.

Rt. hon. Granville Charles Henry (Somerset) Lord G. C. H. Somerset,
Wm. Addams Williams.

Montgomery.

Sir John Edwardes, bt.

Montgomeryshire.

Rt. hon. Charles W. W. Wynn.

Morpeth.

Hon. Granville George (Leveson Gower) Lord Leveson.

Newark-upon-Trent.

Wm. Ewart Gladstone,

Newcastle-under-Lyme.

William Henry Miller,
Spencer Horsey de Horsey.

Newcastle-upon-Tyne.

John Hodgson Hinde,
William Ord.

Newport.

John Heywood Hawkins,
William John Blake.

Norfolk.

(Eastern Division.)

Edmund Wodehouse,
Henry Negus Burroughes.

(Western Division.)

William Bagge,
Will. Lyde Wiggett Chute.

Northallerton.

Will. Battie Wrightson.

Northampton.

Robert Vernon Smith,
Raikes Currie.

Northamptonshire.

(Northern Division.)

Hon. George James Finch, (Hatton) visc. Maidstone,
Thomas Philip Maunsell.

(Southern Division.)

William Ralph Cartwright,
Sir Charles Knightley, bt.

Northumberland.

(Northern Division.)

Rt. hon. Henry (Grey) visct. Howick,
Hon. Charles (Bennett) Lord Ossulston.

(Southern Division.)

Matthew Bell,
Christopher Blackett.

Norwich.

Benjamin Smith,
Hon. Arthur Richard (Wellesley) Marquess of Douro.

Nottingham.

Sir Ronald Crawford Ferguson, G.C.B.,
Rt. hon. Sir John Cam Hobhouse, bt.

Nottinghamshire.

(Northern Division.)

Henry Gally Knight,
Thomas Houldsworth.

(Southern Division.)

Hon. Henry (Pelham Fiennes Pelham Clinton) earl of Lincoln,
Lancelot Rolleston.

Oldham.

John Fielden,
William Augustus Johnson.

Oxford (City.

Donald Maclean,
William Erle.

Oxfordshire.

George Granville Harcourt,
Thos. A. W. Parker,
Hon. Montague (Bertie) Lord Norreys.

Oxford (University.)

Thomas Grimston Bucknall Estcourt,
Sir Robert H. Inglis, bt.

Pembroke.

Rt. hon. Sir Jas. Rob. Geo. Graham, bt.

Pembrokeshire.

Sir John Owen, bt.

Penryn and Falmouth.

James William Freshfield.

Peterborough.

Sir Robert Heron, bt.,
John Nicholas Fazakerley.

Petersfield.

Cornthwaite John Hector.

Plymouth.

Thomas Bewes,

John Collier.

PONTEFRACT.

Richard Monckton Milnes,
William Massey Stanley.

POOLE.

Hon. Charles F. A. C. Ponsonby,
George Richard Philips.

PORTSMOUTH.

Sir Geo. Thomas Staunton, bt.,
Rt. Hon. Francis Thornhill Baring.

PRESTON.

Sir Philip Hesketh Fleetwood, bt.,
Robert Townley Parker.

RADNOR (NEW.)

Richard Price.

RADNORSHIRE.

Walter Wilkins.

READING.

Thomas Noon Talfourd,
Charles Fyshe Palmer.

REIGATE.

Hon. John (Somers Cocks) visct. Eastnor.

RETFORD (EAST.)

Granville Harcourt Vernon,
Hon. Arthur Duncombe.

RICHMOND.

Hon. Sir Robert Lawrence Dundas, K. C. B.,
Alexander Speirs.

RIPON.

Thomas Pemberton,
Rt. hon. Sir Edward Burtenshaw Sugden, knt.

ROCHDALE.

John Fenton.

ROCHESTER.

Ralph Bernal,
Thos. Benjamin Hobhouse.

RUTLANDSHIRE.

Sir Gilbert Heathcote, bt.

RYE.

Thos. Gibbon Moneypenny.

ST. ALBAN'S.

Hon. Edward Harbottle Grimston,
George Alfred Muskett.

ST. IVES.

William Tyringham Praed.

SALFORD.

Joseph Brotherton.

SALISBURY.

William Bird Brodie,
Wadham Wyndham.

SALOP, OR SHROPSHIRE.

(Northern Division.)

Sir Rowland Hill, bt.,
William Ormsby Gore.

(Southern Division.)

Hon. Robert Henry Clive,
Hon. Henry (Vane) Earl of Darlington.

SANDWICH.

Sir Edw. T. Troubridge, bt.,
Sir Rufane Shaw Donkin, K. C. B.

SCARBOROUGH.

Sir Fred. Will. Trench, knt.,
Sir Thos. Charles Style, bt.

SHAFTESBURY.

Geo. Benvenuto Mathew.

SHEFFIELD.

John Parker,
Henry George Ward.

SHIELDS (SOUTH.)

Robert Ingham.

SHOREHAM (NEW.)

Sir Chas. Merrick Burrell, bt.,
Harry Dent Goring.

SHREWSBURY.

Sir Richard Jenkins, G.C.B.,
Robert Aglionby Slaney.

SOMERSETSHIRE.

(Eastern Division.)

William Gore Langton,
William Miles.

(Western Division.)

Edward Ayshford Sanford,
Thomas Dyke Acland.

SOUTHAMPTON.

Abel Rous Dottin,
Hon. Adam (Duncan) visct. Duncan.

SOUTHWARK.

John Humphery,

STAFFORD.

Wm. Fawkener Chetwynd,
Robert Farrand.

STAFFORDSHIRE.

(Northern Division.)

Edward Buller,
Hon. William Bingham Baring.

(Southern Division.)

Hon. Henry John Chetwynd (Talbot) visc. Ingestrie,
Hon. George Anson.

STAMFORD.

Sir George Clerk, bt.,
Hon. Char. Cecil John (Manners) Marquis of Granby.

STOCKPORT.

Thomas Marsland,
Henry Marsland.

STOKE-UPON-TRENT.

John Davenport,
William Taylor Copeland.

STROUD.

Rt. hon. John (Russell) Lord John Russell,
George Poulett Scrope.

SUDBURY.

Sir John Benn Walsh, bt.,
Joseph Bailey.

SUFFOLK.

(Western Division.)

Robert Rushbroke,
Harry Spencer Waddington.

(Eastern Division.)

Rt. hon. John Lord Henniker,
Sir Charles Broke Vere, K.C.B.

SUNDERLAND.

William Thompson,
Andrew White.

SURREY.

(Eastern Division.)

Richard Alsager,
Henry Kemble.

(Western Division.)

William Joseph Denison,
Hon. George James Perceval.

SUSSEX.

(Eastern Division.)

Hon. Charles Compton Cavendish,
George Darby.

(Western Division.)

Hon. John George (Lennox) Lord J. G. Lennox,
Rt. Hon. Henry Charles (Howard), Earl of Surrey.

SWANSEA.

John Henry Vivian.

TAMWORTH.

Rt. hon. Sir Robert Peel, bt.,
Edward Henry A'Court.

TAUNTON.

Rt. hon. Henry Labouchere,
Edward Thos. Bainbridge.

TAVISTOCK.

William (Russell) Lord W. Russell,

John Rundle.

TEWKESBURY.

William Dowdeswell,
John Martin.

THETFORD.

Hon. Henry (Fitzroy) Earl of Euston,
Hon. Francis Baring.

THIRSK.

Sir Samuel Crompton, bt.

TIVERTON.

John Heathcote,
Rt. hon. Henry John Viscount Palmerston.

TOTNESS.

Hon. Edward Adolphus (Seymour) Lord Seymour,

TOWER HAMLETS.

William Clay,
Rt. hon. Stephen Lushington,

TRURO.

John Ennis Vivian,
Edmund Turner.

TYNEMOUTH.

Sir Charles Edward Grey, knt.

WAKEFIELD.

Hon. William Sebright Lascelles.

WALLINGFORD.

William Seymour Blackstone.

WALSALL.

Francis Finch.

WAREHAM.

John Hales Calcraft.

WARRINGTON.

John Ireland Blackburn.

WARWICK.

Sir Chas. E. Douglas, knt.,
William Collins.

WARWICKSHIRE.

(Northern Division.)

Sir J. Eardley Wilmot, bt.,
Will. Stratford Dugdale.

(Southern Division.)

Sir John Mordaunt, bt.,
Evelyn John Shirley.

WELLS.

Richard Blakemore,
Wm. Goodenough Hayter.

WENLOCK.

Hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.

John Ivatt Briscoe.

WESTMINSTER.

Sir De Lacy Evans, K.C.B.,
John Temple Leader.

WESTMORELAND.

Rt. hon. William (Lowther) Viscount Lowther,
Hon. Henry Cecil Lowther.

WEYMOUTH and MELCOMBE REGIS.

Hon. Geo. Aug. Fred. (Villiers) Visc. Villiers,
George William Hope.

WHITBY.

Aaron Chapman.

WHITEHAVEN.

Matthias Attwood.

WIGAN.

Charles Standish,
William Ewart.

WIGHT, (ISLE OF.)

Hon. William Henry Ashe A'Court Holmes.

WILTON.

Edward Baker.

WILTSHIRE.

(Northern Division.)

Walter Long,
Sir Francis Burdett, bt.

(Southern Division.)

John Benett,
Hon. Sidney Herbert.

WINCHESTER.

Paulett St. John Mildmay,
James Buller East.

WINDSOR.

John Ramsbottom,
Robert Gordon.

WOODSTOCK.

Hn. Geo. (Spencer Churchill) Marquess of Blandford.

WOLVERHAMPTON.

Thomas Thorneley,
Charles Pelham Villiers.

WORCESTER.

Thomas Henry H. Davies,
Joseph Bailey.

WORCESTERSHIRE.

(Eastern Division.)

Horace St. Paul,
John Barneby.

(Western Division.)

Hon. Henry B. Lygon,
Henry Jeffreys Winnington.

WYCOMBE (CHIPPING.)

George Robert Smith,
George Henry Dashwood.

YARMOUTH. (GREAT)

Charles Edward Rumbold,
William Wilshere.

YORK.

John Henry Lowther,
Hon. John Chas. Dundas.

YORKSHIRE.

(North Riding.)

Hon. Wm. Duncombe,
Edward S. Cayley.

(East Riding.)

Richard Bethell,
Henry Broadley.

(West Riding.)

Rt. hon. Geo. Will. Fred. (Howard) Viscount Morpeth,
Sir George Strickland, bt.

SCOTLAND.

ABERDEEN.

Alexander Bannerman.

ABERDEENSHIRE.

Hon. Wm. Gordon.

ARGYLESHIRE.

Walter Fred. Campbell.

AYR, &c.

Hon. Patrick James Herbert Crichton (Stuart) Lord P. J. H. C. Stuart.

AYRSHIRE.

Hon. James (Boyle Carr) Viscount Kelburne.

BANFSHIRE.

James Duff.

BERWICKSHIRE.

Sir Hugh P. H. Campbell, bt.

BUTESHIRE.

Rt. hon. Sir Will. Rae, bt.

CAITHNESS-SHIRE.

Sir George Sinclair, bt.

CLACKMANAN AND KINROS-SHIRES.

Sir Charles Adam, K.C.B.

CUPAR, &c.

Edward Ellice.

DUMBARTONSHIRE.

Sir James Colquhoun, bt.

DUMFRIES, &c.

Matthew Sharpe.

DUMFRIES-SHIRE.

John James H. Johnstone.

DUNDEE.

Rt. hon. Sir Henry Parnell, bt.

Dysart, &c.
Robert Ferguson.

Edinburgh.
Sir John Campbell, knt.,

Edinburghshire.
William Gibson Craig.

Elgin, &c.
Hon. Fox Maule.

Elginshire and Nairne.
Hon. Francis W. Grant.

Fifeshire.
James Erskine Wemyss.

Forfarshire.
Hon. Douglas Gordon (Halyburton) Lord D. G. Hallyburton.

Glasgow.
John Dennistoun,
James Oswald.

Greenock.
Robert Wallace.

Haddington, &c.
Robert Stewart.

Haddingtonshire.
Sir Thomas Buchan-Hepburn, bt.

Inverbervie, &c.
Patrick Chalmers.

Inverness.
Roderick Macleod.

Inverness-shire.
Francis William Grant.

Kincardineshire.
Hon. Hugh Arbuthnot.

Kirkcudbright.
Alexander Murray.

Kirkwall, &c.
James Loch.

Lanarkshire.
Alex. Macdonald Lockhart.

Leith, &c.
Andrew Rutherfurd, Esq.

Linlithgow, &c.
William Downe Gillon.

Linlithgowshire.
Hon. Charles Hope.

Orkney and Shetland Shires.
Hon. Frederick Dundas.

Paisley.
Archibald Hastie.

Peebleshire.
William Forbes Mackenzie.

Perth.
David Greig.

Perthshire.
Hon. William David (Murray) Viscount Stormont.

Renfrew, &c.
John Campbell Colquhoun.

Renfrewshire.
George Houssoun.

Ross and Cromarty-shires.
Thomas Mackenzie.

Roxburghshire.
Hon. John Edmund Elliot.

Selkirkshire.
Alexander Pringle.

Stirling, &c.
Hon. Archibald (Primrose) Lord Dalmeny.

Stirlingshire.
Hon. George Ralph Abercromby.

Sutherlandshire.
Hon. William Howard.

Wigton, &c.
John M'Taggart.

Wigtonshire.
James Blair.

IRELAND.

Antrim.
Hon. John Rich. Bruce O'Neil,
John Irving.

Armagh.
Hon. Archibald (Acheson) visc. Acheson,
William Verner.

Armagh (Borough.)
William Curry.

Athlone.
John O'Connell.

Bandon-Bridge.
Joseph Devonsher Jackson.

Belfast.
James Emerson Tennent,
George Dunbar.

Carlow.
Nicholas Aylward Vigors,
John Ashton Yates.

Carlow (Borough.)
Thomas Gisborne.

Carrickfergus.
Peter Kirke.

Cashell.
Joseph Stock.

Cavan.
Hon. Somerset Richard Maxwell,
John Young.

Clare.
Wm. Nugent M'Namara,
Cornelius O'Brien.

Clonmel.
David Richard Pigot.

Coleraine.
Edward Litton.

Cork.
Garrett Standish Barry,
Edmond Burke Roche.

Cork (City.)
Daniel Callaghan,
Francis Bernard Beamish.

Donegal.
Sir Edmund S. Hayes, bt.,
Edward Michael Conolly.

Down.
Hon. Arthur Wills Blundell Sandys Trumbull Windsor (Hill) Earl of Hillsborough,
Rt. hon. Fred. (Stewart) Viscount Castlereagh.

Downpatrick.
David Kerr.

Drogheda.
Sir William Meredyth Somerville, bt.

Dublin.
George Evans,
Hon. William Chambre (Brabazon) Lord Brabazon.

Dublin (City.)
Daniel O'Connell,
Robert Hutton.

Dublin (University.)
Rt. hn. Thomas Lefroy,
Rt. hn. Frederick Shaw.

Dundalk.
Thos. Nicholas Redington.

Dungannon.
Hon. Thomas Knox.

Dungarvan.
Hon. Cornelius O'Callagan.

Ennis.
Hewitt Bridgman.

Enniskillen.
Hon. Arthur Henry Cole.

Fermanagh.
Mervyn Archdall,
Hon. William Willoughby (Cole) Viscount Cole.

Galway.
Thomas B. Martin,
John James Bodkin.

Galway (Town).
Andrew Henry Lynch,
Martin Joseph Blake.

Kerry.
Morgan John O'Connell,
Arthur Blennerhassett.

Kildare.
Richard More O'Ferrall,
Robert Archbold.

Kilkenny.
Hon. Pierce Butler,
George Bryan.

Kilkenny (Borough.)
Joseph Hume.

King's (County).
Nicholas Fitzsimon,
Hon. John Craven Westenra.

Kinsale.
Henry Thomas.

Leitrim.
Samuel White,
Hon. William Sydney (Clements) Viscount Clements.

Limerick.
Hon. Rich. Hobart Fitzgibbon,
William Smith O'Brien.

Limerick (City).
William Roche,
Sir David Roche, bt.

Lisburn.
Henry Meynell.

Londonderry.
Sir Robert Bateson, bt.,
Theobald Jones.

Londonderry (City.)
Sir Robert Alex. Ferguson, bt.

Longford.
Luke White,
Henry White.

Louth.
Rich. Montesquieu Bellew,
Henry Chester.

Mallow.
Sir Chas. Denham Orlando Jephson, bt.

Mayo.
Robert Dillon Browne,
Sir Wm. John Brabazon, bt.

Meath.
Henry Grattan,

Monaghan.
Hon. Henry Robt. Westenra,
Edward Lucas.

Newry.
John Ellis.

Portarlington.
Hon. George Lionel Dawson Damer.

Queen's (County).
Sir Chas. Henry Coote, bt.,
John Wilson Fitzpatrick.

Ross, (New).
John Hyacinth Talbot.

Rosscommon.
Dennis O'Connor,
Fitzstephen French.

Sligo.
Edward Joshua Cooper,
Alexander Perceval.

Sligo (Borough.)
John Patrick Somers.

Tipperary.
Hon. Robert Otway Cave,
Right hon. Richard Lalor Sheil.

Tralee.
Maurice O'Connell.

Tyrone.
Right hon. Henry Thos. Lowry Corry,
Hon. Claud (Hamilton) Lord C. Hamilton.

Waterford.
William Villiers Stuart,
John Power.

Waterford (City.)
Henry Winston Barron,
Thomas Wyse.

Westmeath.
Sir Mont. Lowther Chapman, bt.,
Sir Richard Nagle, bt.

Wexford.
John Maher,
James Power.

Wexford (Borough.)
Charles Arthur Walker.

Wicklow.
James Grattan,
Sir Ralph Howard, bt.

Youghall.
Frederick John Howard.

HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *THIRD SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 16TH JANUARY, 1840, IN THE THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, January 16, 1840.

OPENING OF PARLIAMENT.] Her Majesty, in person, opened the Parliament, the usual ceremonies having been gone through, by the following Speech:—

"MY LORDS AND GENTLEMEN,

"Since you were last assembled, I have declared my intention of allying myself in marriage with the Prince Albert of Saxe Coburg and Gotha. I humbly implore that the Divine blessing may prosper this union, and render it conducive to the interests of my people as well as to my own domestic happiness, and it will be to me a source of the most lively satisfaction to find the resolution I have taken approved by my Parliament.

"The constant proofs which I have received of your attachment to my person and family, persuade me that you will enable me to provide for such an establishment as may appear suitable to the rank of the Prince and the dignity of the Crown.

"I continue to receive from Foreign Powers assurances of their unabated desire to maintain with me the most friendly relations.

"I rejoice that the Civil War which had so long disturbed and desolated the Northern Provinces of Spain has been brought to an end by an arrangement satisfactory to the Spanish Government and to the people of those provinces, and I trust that ere long peace and tranquillity will be established throughout the rest of Spain.

"The affairs of the Levant have continued to occupy my most anxious attention. The concord which has prevailed amongst the Five Powers has prevented a renewal of hostilities in that quarter,—and I hope that the same unanimity will bring these important and difficult matters to a final settlement in such a manner as to uphold the integrity and independence of the Ottoman Empire, and to give additional security to the peace of Europe.

"I have not yet been enabled to re-establish my diplomatic relations with the Court of Teheran, but communications which I have lately received from the Persian Government inspire me with the confident expectation that the differences which occasioned a suspension of those relations will soon be satisfactorily adjusted.

"Events have happened in China which have occasioned an interruption of the commercial intercourse of my subjects with that country. I have given, and shall continue to give, the most serious attention to a matter so deeply affecting the interests of my subjects and the dignity of my Crown.

"I have great satisfaction in acquainting you, that the military operations undertaken by the Governor-general of India have been attended with complete success, and that in the expedition to the westward of the Indus the officers and troops, both European and Native, have displayed the most distinguished skill and valour.

"I have directed, that further papers relating to the affairs of Canada should be laid before you, and I confide to your wisdom this important subject.

"I recommend to your early attention the state of the Municipal Corporations of Ireland.

"It is desirable that you should prosecute those measures relating to the Established Church which have been recommended by the Ecclesiastical Commissioners of England.

"GENTLEMEN OF THE HOUSE OF COMMONS,

"I have directed the Estimates for the services of the year to be laid before you. They have been framed with every attention to economy, and at the same time with a due regard to the efficiency of those establishments which are rendered necessary by the extent and circumstances of the empire.

"I have lost no time in carrying into effect the intentions of Parliament by the reduction of the duties on Postage, and I trust that the beneficial effects of this measure will be felt throughout all classes of the community.

"MY LORDS AND GENTLEMEN,

"I learn with great sorrow that the commercial embarrassments which have taken place in this and in other countries are subjecting many of the manufacturing districts to severe distress.

"I have to acquaint you, with deep concern, that the spirit of insubordination has in some parts of the country broken out into open violence, which was speedily repressed by the firmness and energy of the magistrates, and by the steadiness and good conduct of my troops. I confidently rely upon the power of the law, upon your loyalty and wisdom, and upon the good sense and right feeling of my people, for the maintenance of order, the protection of property, and the promotion, as far as they can be promoted by human means, of the true interests of the empire."

The Address.] The Lord Chancellor having read her Majesty's Speech, and it having been also read, as usual, by the clerk at the Table,

The Duke of *Somerset* rose to move a humble Address, in reply to the Speech. I adverting to the first paragraph of her Majesty's Speech, the noble Duke was understood to say, that it was an announcement upon which to congratulate their Lordships, as it settled a question of the utmost importance to the country; and, judging from previous connection of the families of the illustrious personages, and the previous acquaintance which had existed between themselves, the marriage now proposed seemed to presage an union happy in itself, and beneficial to the country at large. It was certainly an alliance which seemed to deserve the approbation of their Lordships, and he sincerely hoped that they would concur in a respectful and cordial expression of that sentiment. The next topic alluded to in her Majesty's Speech, was the war in Spain, which had been for some years carried on under circumstances of barbarity, which would hardly be considered possible in the present age, but for the weight of evidence in relation to them. It must, he was sure, be a subject of congratulation to their Lordships that her Majesty's diplomatic exertions in this quarter had been so far crowned with success as to give a hope of ultimately insuring the tranquillity of that country. But the affairs of Europe might now be considered to be a very small part of our foreign relations. This was, necessarily, a consequence of the great extent of the British empire, which brought us into contact with many nations differing in their habits and views from ourselves, but whom political circumstances rendered it necessary that we should hold in relationship with us. The Turks were most undoubtedly a people differing in almost every feature from ourselves: but he would say, that the difference between us here was the less dangerous from the very circumstance of its being so complete. The Ottoman empire had been for a long period justly entitled to fame for the stability with which it adhered to all its engagements; for that it deserved the respect of the other governments of Europe and accordingly now, in a period of difficulty, it was enjoying the good offices of the five great powers: and he hoped that the House would approve of the policy which had dictated so humane and laudable an undertaking on their part. Adjacent to the Ottoman empire, but farther east, we find a country differing in internal policy from almost every state in the world, but from its local position, that country became so far of importance to us, that it had been deemed advisable to have a representative at its court. The success of the British arms in the East, and the good conduct of the army, both European and native, there engaged, must be a source of pride to the House and the country generally. The affairs of Canada had for some time past been in a most deplorable state, and had deeply engaged the attention of the Legislature. Her Majesty had ordered to be laid before their Lordships all the papers connected with the affairs of that interesting country, and her Majesty, after seeing the evil consequences of the ill-concerted plans under which it had so long been governed, called upon this and the other House of Parliament to devote to this important subject their most mature attention. With regard to Ireland, municipal institutions were a matter of the greatest importance, and he hoped that the present Session of Parliament would bring the discussion of that subject to a conclusion. The Established Church of this country had always been a subject of deep interest to Parliament. The lapse of ages had rendered some changes in its affairs necessary, and a commission had accordingly been appointed to inquire into the subject, and to follow up the recommendations of those commissioners seemed to be now the course before them. He was sure, that their Lordships would participate in the sorrow expressed by her Majesty at the commercial distresses and embarrassments which had taken place in this and other countries, and would endeavour to remove the cause of them as far as lay in their power. But he apprehended that these distresses were in a great degree connected with the spirit of insubordination which had been manifested in certain quarters, but upon which he would not dilate, as the principal agents in these transactions were now under course of trial. But the firmness and energy of the magistrates, and the steadiness and good conduct of the troops, as manifested on these trying occasions, must be a theme of pride and congratulation both to this House and the country. The noble Duke then moved the Address, which was, as usual an echo of the Speech.

Lord *Seaford*, in rising to second the Address, said that he must begin by earnestly intreating the indulgence of their Lordships. It was always with great reluctance and diffidence that he ventured to address them, but at no other time had he ever felt, that to do so in a manner befitting the occasion, was at once so difficult and important that his sense of difficulty and the consciousness of his own inadequacy would indeed have made him shrink from the attempt, had he not felt that he could not with propriety, on such an occasion, decline that honour, however much he could have wished that his noble Friend would have proposed it to some other of the very many among their Lordships, far better qualified than himself, for the performance of such a task. The topic which first, and pre-eminently was entitled to their Lordships' attention, the royal marriage—an event in itself of the greatest national importance, was at the present moment one of the highest—indeed of unexampled interest. It was impossible, considering the age and sex of the Sovereign, that their Lordships could consider this event drily, as a mere political alliance, or without feelings of the most anxious solicitude as to its influence upon the future domestic happiness of her Majesty. At no other time in the history of this country had such an event been attended with circumstances altogether of equal interest; and that interest, great as it was in itself, must have been that day, further enhanced by the grace with which it had been personally announced to their Lordships. It was impossible, he thought, for their Lordships to have heard that announcement without feelings of the warmest and most cordial sympathy, not to have accompanied it by an internal prayer that every hope expressed in it, of domestic happiness and public advantage, might be fully and equally realised. It must be most satisfactory to their Lordships to know, that her Majesty, from early intimate acquaintance, must have had the opportunity of forming a mature judgment of the character and disposition of the Prince who was the object of her choice; and that her choice had been determined by that joint influence of reason and of feeling, which forms the best foundation for a happy union. He trusted that their Lordships would not hesitate to concur in an unanimous Address, expressing that approval which had been so graciously asked of them, and that they would follow it up by making such a provision as would be at once suitable to the liberality of this country, to the rank of the Prince, and the dignity of the Crown. If ever there was an occasion when it was peculiarly important that the Address should be altogether and throughout in unison with the Speech, surely it was the present. With that view, the Speech had been studiously framed so as to avoid exciting any discordant feelings, or provoking any hostile discussion; and he should certainly endeavour, not to defeat that object by anything he might say in treating any of the few topics which he should feel it his duty to notice. It fortunately happened that the principal events which had taken place since the last prorogation were not of a nature necessarily to call for the expression of any difference of opinion. The first and most striking event in our foreign relations was the expulsion of Don Carlos from Spain, and the pacification of the Basque provinces. Whatever might be the opinions of some of their Lordships respecting the pretensions of that Prince, or whatever their sympathy in the cause of those who fought in his name, he could assure those noble Lords that at the present moment he had no wish to controvert those opinions, or to raise a question which he thought had already been abundantly discussed, and which might well be left at rest at the present moment. But, whatever might be those opinions, he thought that there could now be but one common feeling of rejoicing in the minds of men of all parties, that the barbarous and sanguinary warfare which had been so long carried on in the Pyrennees had at length been terminated, and that the privileges of those provinces had been recognised in a manner satisfactory to both parties; and though peace had not been established throughout Spain, that the war had been confined within narrower limits, and had assumed a different and less formidable character, affording a prospect of its complete termination within no very distant period; and he further thought it peculiarly a matter of congratulation that this long-protracted struggle was likely to end, not in the triumph either of absolutism, or of extreme democratical principles, but in a combination of the rights of the legitimate sovereign and a representative legislature. It was, indeed, a fortunate concurrence, when the rights of legitimacy were thus happily united with the liberties of the country in a common cause. With regard to the differences between the Sultan of Turkey and the Pacha of Egypt, or the

Eastern question as it was called, notwithstanding its very great importance, in which it yielded to none; yet, considering the state of the pending negotiations and the very imperfect information on the subject before their Lordships, he did not think that their Lordships could deem it a fit subject for discussion on the present occasion. He would, therefore, content himself with the expression of his confident hope that the same ability and judgment which had brought to a satisfactory termination other negotiations of the most intricate and delicate nature, and in which, conflicting interests—not less difficult to be reconciled, had been involved, would be equally successful in this important negotiation, and bring these important matters to that happy settlement which was contemplated in her Majesty's Speech. The brilliant successes of the British arms in India could not fail to obtain the fullest expression of congratulation from their Lordships. Any thing that could be added in praise of the gallantry of our troops, or the military skill of those who led them, by so humble an individual as himself would be of as little value as it would be superfluous. He could not, however, refrain from expressing his individual gratification, that this great success had been achieved under the administration of a noble Lord whom he had known from his youth, and for whom he entertained the highest esteem. He certainly could not pretend to possess sufficient knowledge of the complicated political interests of our Indian empire as to enable him fully to appreciate the various reasons which might have determined him (the Earl of Auckland) to undertake that great enterprise; but if, judging from the extensive scale of the operations, and the natural and necessary difficulties attending the march of a great army to a scene of action so remote, he had, at first, been startled at the hardihood of the undertaking; he should now feel only the more disposed to give full credit to those who, possessing better information were enabled more accurately to estimate the real extent of those difficulties, and who so provided against, and overcame them, as to have rendered an expedition, so formidable in contemplation, apparently so easy of execution, if measured only by the rapidity and the completeness of its success. As to the importance of the result of that success, he conceived also that there could be no dissentient voice. One most important result, whether considered as affecting the immediate interest of our Indian empire, or as connected with our European foreign relations, had been already made apparent in the change that had come over the disposition of the court of Persia. There would also be little doubt, but that this signal proof of the greatness of our power, and the extent of our resources, and the irresistible superiority of our military skill, must, by its moral effect upon the minds of the other powers connected with our Indian empire, most essentially contribute to insure the tranquillity, and confirm the stability of our dominion. It was with very different feelings that he turned from this topic of unmixed gratification to the concluding paragraph of the Speech from the Throne. It certainly must be impossible for their Lordships not to contemplate with great pain the severe distress that prevailed in many of the manufacturing districts, and it must also be a matter of the deepest concern to know, that in a district where no such distress seemed to have existed, where there was no want of employment, no deficiency of food, no substantial grievance, a spirit of insubordination should have prevailed among so large a portion of the population, and to such a degree as to render them liable to be practised upon by designing men, so as to lend themselves as their instruments in an outbreak so lawless and so violent as that which had lately taken place in Monmouthshire. On the other hand, however, he conceived that it could not fail to appear to their Lordships matter of congratulation that the vigilance and firmness of the chief magistrate, and the gallantry, judgment, and temper displayed by the troops and the officer in command, had been successful in so immediately and effectually repelling that attack. The complete discomfiture of the insurgents, notwithstanding their enormous superiority in numbers, also afforded a striking example of the inefficiency of mere physical force when opposed to military skill, and it might be hoped that this proof, not only of the hopelessness but of the danger attending such attempts, would operate as a salutary lesson on the minds of others who might be ambitious of standing forward, or who might be induced to become their dupes or their victims, in similar enterprises. If, however, this lesson should not be completely effectual, and if there should be a disposition to renew such attempts, of which there had, unfortunately, been indications, still he trusted that there was no reason to doubt that the same watchfulness on the part of the magistracy and the civil power would be effectual in repressing such a disposition, or if it should be necessary to call out the military, he trusted that the same gallantry and good conduct on their part would prove equally successful, and that the confident reliance expressed by her Majesty in the good sense and right feeling of the country, and in the power of the law for the maintenance of order and the protection of property, would not be disappointed.

The Duke of *Wellington* said, that no noble Lord in that House concurred more sincerely than he did in the expression of congratulation to her Majesty upon the alliance which her Majesty had, for the second time, announced to the country that day. He agreed with the noble Mover and Seconder of the Address, in hoping that this event might tend to the happiness and comfort of the Queen. Upon this occasion he should have been contented with the Address, and should have offered no other word, if they had not been called upon in the Speech from the Throne to concur with the other House of Parliament in making provision for the Prince for whose future station in this country her Majesty's Speech had prepared them. It appeared to him, that if that House were to be called upon to express an opinion upon a matter of this description, they ought to look into and act upon this subject. It ought not to be a mere congratulation; the public ought to know something beyond the name of the Prince. He had the honour of being summoned to attend her Majesty in Privy Council, when her Majesty in Council was graciously pleased to declare her intention of becoming the spouse of this Prince. He had heard, that the precedent of the reign of George 3rd was followed in all respects except one, and that was the declaration that this Prince was a Protestant. He entertained no doubt that the Prince was a Protestant. He was sure he was a Protestant. He knew he was of a Protestant family. He had the honour of being known to some members of that family, and he was sure that it was a Protestant family. But this was a Protestant State, and it was absolutely necessary to know, that a person who became the spouse of the Queen was a Protestant; and if the precedent of George 3rd had been taken, it ought to have been followed throughout, and then the public would have had the satisfaction of knowing, that the fact of the Prince being a Protestant had been officially declared by her Majesty's Government. He knew the anxiety of the public mind on this subject, and the noble Lords opposite also knew this, and knew well that they had it in their power to relieve that anxiety, and to gratify the public by making this declaration; nay, more, he was convinced, that the public, feeling the same anxiety about the Protestant character of the state that he did, would naturally infer why the precedent of George 3rd had been departed from. Was there any doubt about the point? Not at all. The Prince was a Protestant. It could not be otherwise. He must be a Protestant. Why then was it not so stated? They had heard from other parts of these kingdoms something of this marriage. The marriage had been declared by her Majesty in Council, and he saw clearly why it was not declared in Council that the Prince was a Protestant. He had seen further proceedings on this subject since. He confessed he was one of those who read with great attention all that passed in that part of the world to which he had alluded, the different speeches, and all the public proceedings, and he did so for this reason—he had been accustomed to this sort of revolutionary discussion. And although, according to the sentiment expressed by a great French author, *en plein jour, on ne conspire pas*, still in that country (Ireland) these things were declared publicly, and therefore it was, that he read those publications and missives, in order to see what the real danger was, in the hope of being able to measure it accurately without allowing himself to be taken by surprise. Then what he meant to say was this, that what passed there afforded a very suspicious reason why the word "Protestant" had not been inserted in the communication made to the Privy Council, and why it had not been inserted in the Speech from the Throne. He would frankly tell the noble Lords opposite that he believed, that they were as much determined as he was to maintain the Protestantism of the State. He thought then, if that was the case, that upon the first occasion when this question came before them, and when the House of Lords was called upon to do any act, or to make any declaration upon the subject beyond the mere congratulation of the Queen, they should take that course which should give her Majesty's subjects the satisfaction of knowing, that Prince Albert was a Protestant Prince, thus showing the public, that this was still a Protestant state. He was the person who came forward, when sitting on the other side of the House, to move the repeal of the Corporation and Test Acts, and also the Act affecting Roman Catholics, with a view to admit Protestant Dissenters and Roman Catholics to all the privileges of the constitution, and to become part of this Protestant state; but he never intended, their Lordships never intended—the noble Lords opposite, every one of whom supported those measures, never intended otherwise than that this should be, and should continue to be, a Protestant state. Those measures had been passed by Parliament, but since then circumstances had materially altered in respect to the situation of the two classes into which the sister country was divided; but still, judging from all that passed, he believed it never was intended by any of the supporters of that measure, that this should be otherwise than a Protestant state, or that any thing should be done which could in the slightest degree endanger the existence of the Protestant faith. The House of Lords could not omit that first opportunity on which they were called upon to pledge themselves, beyond mere congratulation on this marriage, to declare in such terms their opinion as should not leave the public in the smallest doubt of the Prince chosen by her Majesty being a Protestant Prince. When the measures to which he had alluded were passed, certain other measures were proposed as a security to this Protestant state, they were willing to admit Roman Catholics into the Protestant state, notwithstanding all the objections founded upon ancient laws that were urged against it; and they did admit all these persons as partakers of the benefits of the Protestant state, upon the security of oaths and other such securities, providing for the security of the state; but it never was intended, and for his own part he declared, that he was incapable of intending to do any thing that would materially affect the state. He therefore entreated their Lordships to satisfy the public upon this subject. His own impression was, indeed he could declare his belief, that the Prince was of a Protestant family, and was a Protestant; but still if the precedent of George 3rd were not followed, the public would be disappointed in some respects. He found that George 3rd declared to the Privy Council that the princess he was about to espouse was a Protestant princess. He was married to her before Parliament met, and the circumstance of the princess being a Protestant was not mentioned again in the Speech from the Throne, but in the Address from the House of Commons an amendment was moved, by which the word "Protestant" was inserted, and the Address so amended was presented to the Throne. A similar course was not then thought necessary to be pursued in that House owing to the communication made to the Privy Council; but in an altered state of circumstances he thought their Lordships ought to adopt a similar measure now to that adopted by the other House of Parliament in the case of George 3rd. Although there were other topics in the Address to which he should undoubtedly, under other circumstances, wish to advert, yet on the present occasion he would be content with expressing his anxiety that their Lordships should adopt the amendment he would propose unanimously. The noble Duke concluded by moving, that the word "Protestant" be inserted before the word "Prince" in the first paragraph of the Address.

Viscount *Melbourne*: My Lords, from the commencement of the speech of the noble Duke, from the tone which he preserved throughout the greater part of it, and from the great forbearance with which the noble Duke concluded, I had hoped that we should come to an unanimous vote on this question without even the shadow of difference, if difference it can be called, which the noble Duke seems to think worth while and fitting and proper to raise upon the present occasion. That unanimity would certainly have been more desirable and more precious, and necessarily would have been more deeply felt by her Majesty and the whole country, because it would have been felt, that at a moment and a period when I am afraid it cannot be said to prevail in any degree upon other subjects, that notwithstanding the strong feelings which prevail, had this House for once wholly forgotten and put aside all party and political difference for the purpose of agreeing to and concurring in an unanimous Address. I own I am sorry that this should be in any degree altered by the amendment which the noble Duke thinks it fitting and proper to move upon the present occasion. Unquestionably the noble Duke has introduced topics the most fitting of all others to create differences and dissensions, and bitterness, and irritation. The noble Duke has said, that we had, as of course we had, the precedent before us, of the declaration of George 3rd, to the Privy Council when we advised her Majesty to make the declarations she did make; and the noble Duke states that we did not follow that declaration, because the declaration of George the 3rd. states, that the Princess Charlotte of Mecklenburg Strelitz was a Protestant Princess. In fact, however, that declaration did not state, that the Princess Charlotte was a Protestant Princess, but that she was descended from a long line of Protestant ancestors. A person may be so descended and not be a Protestant. That declaration did not in fact state, that the Princess was a Protestant, and I say that it is utterly unnecessary, utterly superfluous—yes, entirely unnecessary and superfluous to state, that Prince Albert of Saxe Coburg and Gotha, with whom it is proposed to contract marriage, is a Protestant. It is required by the Act of Settlement that he should be a Protestant. Does the noble Duke suppose that we are going to advise her Majesty to violate and break through the Act of Settlement. In my opinion it is perfectly unnecessary to introduce those words, or any declaration stating that which is positively and decidedly demanded by the law as a condition of the possible legality, the constitutional legality of the union, namely, that the Prince with whom the marriage is about to be contracted is a Protestant. The noble Duke has said, that unquestionably the Prince is a Protestant. Why every man knows not only that he is a firm and decided Protestant himself, but also that he is descended from that which has been called emphatically the most Protestant family in Europe. It is to the eldest branch of his family that the Protestant religion owes its existence. The Prince is descended from that very elector whose name stands at the head of the Protest from which the name of Protestant is derived — that Elector whose name stands first in the Protest signed at Spires, by six princes and fourteen cities against the decision of the Diet of Augsburg, which Protest was the foundation of Protestantism. Every one knows, that the Elector of Saxony lost his throne and electorate for his adherence to the Protestant religion. His brother also was a Protestant, and the defender of Luther, and by that very family the reformed religion was established and maintained at the period of the Reformation in Germany. Why, then, state, what it is perfectly unnecessary to state, that Prince Albert is a Protestant, and descended from a Protestant family? and really, I ask noble Lords, what can be the use or advantage of this amendment, except to throw doubt on the subject? If anything is calculated to dissatisfy the mind of the country, it is the amendment proposed by the noble Duke. The Prince will not be more nor less a Protestant because we declare him to be a Protestant. If he declares himself a Protestant, as he is quite ready to do at any moment, that is something; or if those who have been perfectly well acquainted with him declare him a Protestant that is something; but, if we make that declaration, what certainty or satisfaction can that be to anybody. If the slightest suspicion or doubt has been entertained before, what advantage will be gained by our statement that he is a Protestant? The only effect of the amendment will be, to introduce doubt where there is none, and to introduce dispute and dissension where there ought to be nothing but agreement and unanimity, and to give countenance to a cry that, I believe, has been attempted to be raised upon this subject in the country, and to sanction the cry upon the part of that House and of the noble Duke opposite. Whether the word be inserted or not, is perfectly immaterial. It neither makes the Prince more or less a Protestant. We cannot affect his religion by its insertion. The noble Duke knows he is a Protestant, all England knows he is a Protestant, the whole world knows he is a Protestant, and for my own part, therefore, I consider it perfectly unnecessary to introduce the word proposed by the noble Duke.

The Earl of *Winchilsea* said, that there could not be a more convincing proof of the necessity of this amendment than the speech which had been delivered by the noble Viscount. The noble Viscount stated that he saw no necessity for the insertion of the word "Protestant." He asked the noble Viscount and those around him, whether, when they relieved the Roman Catholics from the disabilities under which they laboured, securities were not taken that the state should remain a Protestant State? He asked the noble Viscount whether the Sovereign had been relieved from the necessity which was imposed upon the family when it came to the throne, of allying himself or herself with a Protestant spouse. The noble Viscount had stated, that it did not follow, because the family of a person was Protestant, that, therefore, he should be a Protestant. Why, therefore, he contended it was the more necessary to have the matter set at rest. He firmly and sincerely believed that the illustrious Prince, upon whom our Sovereign had placed her affections—and might God prosper their marriage, which no man more devoutly or sincerely wished than himself—was a Protestant; but still he maintained that it was absolutely necessary, for the tranquillisation of the public feeling, that this word should be inserted. The noble Viscount stated, that the electoral family from which the Prince was descended was essentially a Protestant family. True, at the period of history to which the noble Viscount referred, the family was most decidedly a Protestant family. But had no change taken place in that very family which called more imperiously for the insertion of this very word? Were there not near and dear connections of the family who had become Roman Catholics? Did not one individual, he would not say it was not from conviction, change his religion and cease to be a Protestant? It was a notorious and well-known fact, if they cast their eyes to Portugal, that the Husband of the Queen, a first cousin of this very prince, was an avowed Roman Catholic. He contended that the declaration that the proposed husband of the Queen was a Protestant was absolutely required by the great majority of the Protestant part of the community. He believed it to be quite true that the word "Protestant" had been left out to satisfy a certain body of men. He heartily supported the amendment, and he was sure that it was one which would give offence neither to the Sovereign nor to the illustrious individual mentioned in the Address. He should be sorry that there should be any additional rankling in the minds or feelings of the people. If the people were satisfied that the power already conceded by their Lordships to the Roman Catholics of this country would be exercised for the destruction of the Protestant character of the country, then he maintained, that they would for ever rue the day when they attempted to exercise that power for such a purpose; as the moment they declared that to be the object for which such power was to be exercised, from that moment all power with them would cease. No man more anxiously wished for unanimity upon the present occasion than he did; but there were topics in the Speech from the Throne which he could not pass over without notice. He could not look upon the internal state of the country without feelings of alarm and fear. He firmly believed, that the country was in a most fearful state. He believed they were upon the very brink of one of the most awful convulsions that had ever taken place. What had brought the country into this state? He thought that the present situation of the country might be traced to the passions that had been excited by those who had made the lower orders the instruments to forward their own political views. They had raised a storm which they could neither control nor direct, and that was the storm that was now bursting over the country, and God only knew how it would end. If the noble Viscount were determined to perform that duty which he owed to his Sovereign, he never would have countenanced the introduction to that Sovereign, of an individual whose principles were subversive not merely of Protestantism, but every principle on which morality, religion, and social order, were founded; and subversive, too, of all principles. This was the first opportunity which he had of expressing his indignation (to use no stronger term) upon this subject. He did not know how the noble Viscount could feel justified in having tainted the approach to the Throne by introducing to their pure and virtuous Sovereign one of the most unprincipled individuals that ever existed. He was not in this country when the noble Viscount introduced this person to the Sovereign; but if it were true, then the noble Viscount had introduced one whose principles struck at the principles of morality, and of religion, and at all those principles, too, which had been enacted for the welfare and guidance of man. He would bring this question before their Lordships at a future time, and make a distinct motion for a vote of censure upon the noble Viscount, and take the sense of the House upon it.

The Earl *Fitzwilliam* observed, that from the tenor of the speech made by his noble kinsman (Earl of Winchilsea) it was plain that his noble kinsman believed that they were upon the eve of a dreadful convulsion. His noble kinsman, then, most deeply impressed with the awful situation in which he was, must wish to lay a little tranquillising oil upon those rising waves, with which he saw them all invested; but whether his noble kinsman had made a speech calculated to effect any such object he left to their Lordships' judgment, and his noble kinsman's own decision in his somewhat calmer moments. It seemed, according to his noble kinsman, that the Government was sanctioning principles subversive of all morality—subversive of all religion; and his noble kinsman went even a little further, and said that they were sanctioning principles which were subversive of all principle. Undoubtedly, a principle subversive of all principles was hitherto a great curiosity in philosophy. [The Earl of *Winchilsea:* No, no; I said principles subversive of all religion, and subversive of all morality.] He had not the slightest doubt, it was that which his noble kinsman had intended to say; but then he did actually say principles subversive of all morality, and of all religion, and he then added of all principles. He was inclined to think, that if they were to carry their views beyond the walls of that House, he was sure that it would be found that a very large portion of the people would be disposed to feel very little interest in the decision of the question, whether the word "Protestant" was originally introduced, or whether the Address should now be left without it. Whether the word "Protestant" was or was not there was a matter that seemed to him (who was as sincere a Protestant as his noble kinsman) of very trifling importance; but then he did think that it was a matter of no trifling importance that their Lordships' attention—the attention of a body of men, who, perhaps, were not in the habit of turning their attention and thoughts to such subjects—should be turned to the subject alluded to in the latter part of her Majesty's Speech. He thought that his noble Friends were deserving of the gratitude of the country, because they had turned their Lordships' attention to the distresses under which the country was now labouring. He believed that it was impossible to exaggerate those distresses. Having been long acquainted with the state of the country, and, from the situation in which he was placed, having his attention attracted to the multifarious commercial interests of this country, he would say, that he never had seen them, at any period, in equal distress to that existing at the present moment. The events of the years 1825 and 1826 had very possibly made more impression on the public mind, and might, too, have called forth more of the public observation, from the destruction of so many banks, and the ruin of credit—the manner in which those things had been openly displayed, might, too, have made a still greater impression upon those in their Lordships' situation in life; but, he believed, that if their Lordships inquired—if they investigated, they would find, that the difficulties of that period, great, alarming, and destructive, as they were, yet were not equal to those under which the commercial interests of the country were now labouring. Their Lordships' habits of thinking—the sort of independence they enjoyed from all these storms and all these under-currents, might make them possibly little aware of those distresses, which men engaged in commerce, and conversant with manufactures and the various interests connected with them, were now suffering. He rejoiced that his noble Friends had not shrunk from adverting to this subject: he thought them entitled to the gratitude of the country for turning their Lordships' attention to the situation that was then before them. He trusted, that this invitation to their Lordships to think on those calamities would be a prelude to an investigation into the causes that led to them. If he were of opinion that these causes were above the power of human wisdom, and above the power of human prudence, or above the power of the Government and the Legislature to treat upon them, then he might pass over such a subject in painful silence; but he believed that this was not the case. He believed that the calamities now endured might be traced to their sources; and he believed that the inquiry might be made, and the investigation conducted, not only without adding to these distresses, but with a certainty of devising the means, if not of entirely removing, at least of alleviating those distresses. It was, for this reason, that he called their Lordships' attention to that part of the Speech which referred to commercial distress; and he did so, without expressing any opinion of his own upon it. He satisfied his own mind in calling their attention, and that of others to the matter, and would impress upon his noble Friends who conducted the affairs of this country, that if they felt it to be their duty to advert to "the distress" now existing, it was still a greater duty imposed upon them to ascertain its causes, and that they will not fulfil that duty which they had so well begun, if they did not invite their Lordships' attention still further to this subject, and urge upon their Lordships that investigation which would bring them to understand the causes that had led to this distress.

Lord *Brougham:* At no former time have I ever felt so reluctant to intrude myself upon your Lordships' attention as on the present occasion, and if I could feel it at all consistent with my public duty to withhold myself from the discussion, I would with pleasure do so, because I never had a greater desire to avoid it; but with the views I entertain of the present alarming state of the country, although, my Lords, I am not so accessible, generally speaking, as many—not so accessible as many to political fear—yet with the great anxiety which has been impressed on my mind by all I have heard and read, and believing as I do, that there is a very widely spread and diffused distress; also from other symptoms and indications of what I consider worse evils, I feel that I would not be discharging my duty to the public—my painful duty—if I did not address some observations to your Lordships—however painful—and the more so because from the general arrangements of the House, if the first night of the Session is allowed to pass without some notice being taken of the state of the country, or any other topic included in the Speech, practically they are left over till after Easter. I feel that I would be deserting my public duty, did I not take this opportunity of addressing your Lordships, very shortly, upon the subjects introduced into the Speech, and upon the urgent and important subject I have alluded to. It is characteristic my Lords of a free state, that the duties of a loyal subject and of a good citizen, are not only not incompatible, but consentaneous. I think I discharge both, and I therefore discharge both with cheerfulness, by joining in the congratulations of the noble Duke opposite, and of my noble Friend near me, on the auspicious event which was first announced in the Address. The same duty of a loyal subject and of a good citizen, will also be best discharged by me, if, in adverting to the call upon the liberality of Parliament, which followed that important and happy announcement, I mean the adequate provision for the consort of her Majesty—I say, that I shall fully discharge my duty, not more as a good citizen of the country, than as a loyal subject to the Queen, if I express my earnest hope, that we may not be doomed to see on this, as on former occasions, an indecent and unfeeling race run between conflicting parties, at the expense of the interests of a suffering people, for the purpose of paying court in the highest quarters. I know well, that in those quarters, such court will be viewed in the light that it merits. With a suffering people—with a people in a state of distress described by my noble Friend, and which cannot be exaggerated—with a people torn by factions—with a people divided by mutual animosities—as to the subject, and the actors on the scene, I dare not trust myself in describing them; but with a people full of discontent, and afflicted with distresses such as we know they are now suffering under—with falling wages, rising prices, and diminished profits—with the country in such a state, to propose any provision beyond what is required by the absolute necessity of the case, would, in my deliberate and conscientious opinion, be a breach of all the duties which either the Government or the Parliament owes to the people; and, above all, it would betoken a criminal indifference to the best interests of the State—to the character of the Legislature, and the stability of the Throne itself. I pass over willingly the other topics connected with the royal marriage. I bestow no attention upon the omission of the word "Protestant" in the royal declaration to the council, or the insertion of the word "Protestant" in the Address; and I am astonished, that we should have been discussing for half an hour whether we put in or keep out the word. Good God! if any one were to hear that this House was so long engaged upon such a matter, he must think, that we had to administer in all ease and in all tranquillity, the affairs of a happy and of a united people! Why the word was left out in the declaration, I for one shall not stop to inquire; but if the noble Duke supposes that, possibly, it was to pay court to quarters to which his allusions were not very dark or very remote, I must tell him that those quarters must have changed very much of late if they rest satisfied with that concession, nor are they to be satiated or contented by any such omission, or to be very much thwarted in their views, or greatly disappointed by any insertion of the word. Whether my noble Friend thinks it worth his while to dispute with the noble Duke as to the word, I cannot say. Its insertion, I admit, is superfluous; although I cannot help observing, that my noble Friend who moved the Address, made it one of the topics of his congratulation to your Lordships, that her Majesty was about to ally herself to a Protestant consort; and which, my Lords, was hardly a subject of congratulation, as from the state of the law it could not be otherwise. I may remark, that my noble Friend (Viscount Melbourne) was mistaken as to the law. There is no prohibition as to marriage with a Catholic; it is only attended with a penalty, and that penalty is merely the forfeiture of the Crown. Is it then becoming a grave legislative proceeding, that those who take part in it, should congratulate themselves that there is no intention on the part of her Majesty to forfeit the Crown; and yet that seems to be the sum and substance of the insertion of this word in the Address. Passing from that, I go to a subject which is forced upon me, as it is a subject bearing upon the differences between Catholics and Protestants — I mean the state of Ireland. We are told of the tranquillity of that country; we are told, that it is unbroken and unprecedented, and then we have the municipal corporations again recommended as the panacea for all the evils of Ireland. It is now fifteen years since the affairs of Ireland were amply discussed on an important occasion in both Houses of Parliament, but chiefly in the other House, and then there were other means stated for the tranquillization of Ireland, and for the better government of that part of the United Kingdom. I have more than once reverted to those means — I know that they have occupied the attention of many of your Lordships. I doubt if any one has had the honour of serving the Crown at any time during the last twenty years, without having had his attention so occupied. I am firmly persuaded, and it is one of the most settled convictions of my mind, which every day's experience and observation strengthen more and more, that to apply the axe to the root of all the great evils that afflict that country and involve it in distress—to destroy the seed and the series of crops of perpetually renewing and everlastingly growing discord—to take away that influence, which, with safety to the State, cannot be allowed to remain—to lay the foundations broad and deep of lasting tranquillity for the Irish people—to consult the best interests of the State and of the Church—the permanency of religion, as of morality among the people—the one thing needful is—and it is the bounden duty of the lawgiver to discover how that one thing needful best can be given—that one thing needful—is upon just, moderate, and well considered principles, and with well-contrived machinery, to give a due but fixed legal provision to the clergy who administer to the spiritual wants of the Irish people. All that has passed since 1823, has convinced me, that in this opinion I am perfectly correct. I heartily agree with the Address in its congratulations to the Crown, upon the brilliant successes that have attended the expedition to the westward of the Indus. No rewards can, in my opinion, be too great for the military deserts of those who took part in that expedition. I must, however, still pause, and have a little more ample information—perhaps I must wait a little until I see the progress of events—before I subscribe to the opinions that have been adopted in this Address. The change in the Cabool dynasty was effected by the operations of a military force; but was the policy that dictated the employment of that force, such as to merit the approval of Parliament, and such as promises to serve the British interests in Asia. When I shall have seen a renewal of our alliance with Persia, our natural friend and ally, and the best security for the British power on the north-western frontier—when I see the wisdom of acting hostilely towards Persia, and of resting on the Affghanistan influence—when I see the wisdom of thus acting towards Persia, which the best instructed statesmen have always looked to as a defence against invasion from the north, and from the Affghauns themselves, and that they have declared, that our peace and security were derived from their disagreements among themselves — and when I shall find, that the company with a very reduced income, have sufficient means to maintain a large military force miles and miles beyond our own territory, to the north-west of the Indus — and shall be convinced with resources that are diminishing, enormous new and great expenses can be maintained—then, but not before, shall I feel myself justified in joining in the congratulations on the success of our military movements, and on the policy in which the employment of that military force originated. And now having gone shortly over the prominent topics of the Speech, I must turn to state the views which I am reluctantly compelled to advance, as to the present condition of our domestic peace, and our internal concerns, and to what extent there are, in my opinion, great and serious apprehensions to be entertained. I know well, that the late disturbances have aroused anxiety on the part of all statesmen. I know, that outbreaks have taken place; that violence has prevailed; that meetings—midnight meetings—have been held; that there have been associations more or less contrary to the law; that there have been confederacies and armed conspiracies; that there have been extensive correspondence, and sometimes organizations, followed by breaches of the peace; that in some of the northern towns there have been acts on the part of persons, which the judges have defined as high treason—I know, that all these are, by more careless observers, regarded as mere events and facts; and they are so looked upon by those who are sometimes more alarmed by facts than they ought to be, and who at others are more easily calmed and tranquillized than they should be, when outrages are suppressed either by the force of the law, the vigour of the magistrates, or the good behaviour of the troops. I do not regard them as ultimate events at all. As such I might deplore them; but I should not be alarmed about them at all, because I should trust in the power of the law to suppress them. But this is not the case at present. If put down here, they will break out elsewhere, as it has so happened within the last forty-eight hours; nay, if the efforts of the law should have put down those outrages—if they had reduced all to an apparent tranquillity—yet, with the views that I have upon this subject, and with the knowledge that I think I possess of the condition of the people, I should look upon the calm as deceitful, and I should look upon the lull as a false, and not a real tranquillity; and still, I should revert to those eruptions, knowing something of their causes, as a subject of the greatest interest. Knowing those mischiefs existed, and knowing those discontents prevailed, I should revert to the words of one of the wisest men—I mean Lord Bacon—who, dealing with a matter of the same kind, said, "Beware if you have to probe popular discontents, and find that they are deep-seated and wide-spreading—beware how you drive back the humours — for they will then only cause the wound to bleed inwards." That is my opinion of the present condition of this country, and I am now about to state its causes, and their apparent remedy. First there is one mischief, and I say it is not a sudden one; but it is gradual, and great, and widely-extended mischief — a change that has taken place, I will not say, yesterday, or of late years, but that has been going on year after year, until, at length, it shows a total change in the habits and disposition of the people of this country. The change is this; formerly the people of England used to have confidence in certain leaders, and willingly marshalled themselves under the guidance of men known from their rank, their fortune, their hereditary claims to popular respect, and from their public virtues. The more distinguished of our countrymen used aforetime to command the respect, and to have the confidence, and to be attended by the following of their fellow-citizens. That is now entirely changed; it is gone. I do not mean to say, that as relates to this or that borough or to these or those corporations which have been lately called into existence, or to this or that magistrate, those who have the Home Department, meaning those who preside generally over the domestic peace of the country — will, if they be content to rest satisfied with the assurances of self-important and complacent corporators—all the more self-important and complacent, that their self-importance is fostered by daily communications with men in office—if they be content with hearing from such persons, "Oh, you have the confidence of this borough, you are adored in that part of the country; you are highly esteemed by such and such a party, and in such and such a place you would carry everything before you, if there were a dissolution to-morrow." I will not say, that they will not receive an abundance of such assurances. If they are satisfied with that, let them have it and welcome, and make the most of it; while, throughout the country, with the exception of a few cases, where natural influence still survives, the masses of the people may be in all but rebellion—not rebellion against those that govern, not taking part with one or another faction in Parliament, not anxious for the removal of one Ministry, and the placing of another — but marshalled in distrust and hostility — marshalled, combined, banded in a deep-rooted and habitual distrust of all politicians, of all Ministries, and of all men in power. My Lords, I am very far from holding the doctrine, that it is a wholesome state for a people to be in not to think for themselves, and to have others make their opinions for them. On the contrary, my opinion is, that it is the bounden duty of all rational men, by those means of information and thinking, which they may have, moderate, little, or extended, according to the measure of those means, to think and inquire for themselves, and to come to their own opinions on subjects relating to their own affairs; for the worst crime that every party or faction was charged with is this—that it tends to make men take their opinions not from their own inquiries, or the results of their own reason, but from partisans, or princes, or priests — I care not which; for, so long as they do this, it is no exaggeration of Dean Swift to pronounce party "the madness of the many for the gain of the few." Therefore, let no man believe, that I am now lamenting or complaining because the people think more than they did for themselves; but it is the most consistent, sound, and rational result, the proper and legitimate fruit of thinking rationally and soberly for themselves, that they should act under their natural leaders—that they should know in whom they might dare to confide, and that they should confide in those whom they could trust. Else they act without concert—else they act wildly, without bringing their force under the influence of guidance in any given direction, or accomplishing any useful purpose. It is not the least bad effect that it makes all efforts to influence and guide such people of none effect. But it does not at all follow that, acting under obscure leaders, or under no leader at all, they may not be the dupes of knaves, of designing knaves, and factious and unprincipled agitators. On the contrary, if legitimate influence be removed, it gives place to the worst influence, the consequence of which is such as we have all now to lament, in the late proceedings in South Wales and elsewhere. And here, I must say, that the crimes which have been so committed I have been astonished to find palliated as political offences, and, therefore, not subjects of detestation and abhorrence. This is said of a crime which, not only technically speaking, is the highest crime known to the law, but is morally and substantially speaking the worst of all crimes, because there is hardly any other crime which it does not lead to and involve. Pillage, alarm, insecurity of property, insecurity of life, destruction of life, nay, wholesale massacre, are included in the idea of civil war, the worst form in which war can appear, and all are necessarily involved in the crime of treason. It is all the worse, it is all the more punishable, it is all the more to be detested, and the more severely to be visited, because it has for its characteristic what no other crime has—for whereas all other offences are worse and more aggravated as they are successful, but lighter if they happen to fail—the crime of treason secures impunity if it can but accomplish its object, and obtain success. How, then, can it be asked, "Why punish men for conspiring to subvert the state, for conspiring and compassing merely," as I have of late been astonished to hear of at public meetings, among the guides of the people, the false guides. Why, they must be punished for compassing and attempting only, to be sure, because if the attempt were successful the criminal would have been the ruler, and could not have been punished. Therefore, the law holds it to be the heaviest and most grievous offence. Whatever leads to it is a no less grievous offence. Whoever, in Yorkshire or Wales, shall assemble a meeting so numerous that no discussion can take place, shall congregate masses, whose very force is sufficient to show that it is not to debate but to break the peace that they are got together; and whoever, having so assembled such masses, shall proceed to scatter among such combustibles the flakes of seditious harangues; whoever shall teach them to look to any quarter but to the Legislature for a redress of their grievances, or for an alteration in the established institutions of the country, in Church or State; whoever, whether in the West Riding of Yorkshire or South Wales, shall hold this most seditious—I had almost called it most treasonable—doctrine, that if the Sovereign dare to change her counsels there would be an end of the peace of the country, and there should be an end to the allegiance of the people, and that recourse must be had to other means—whoever holds that language in his addresses to those meetings, is the proximate and not the remote cause of the breach of the peace that may follow, in Yorkshire or in Wales, though he may withdraw himself from the combat which he has excited, and keep himself safe from the perils into which he has cheated, duped, seduced, or driven his followers. That person has the blood that is so shed on his head, even though, from some unaccountable reason, he may evade the penalties of the law. With regard to the offenders who have not so escaped, I hope and trust that as justice has been administered towards them on its true principles, with the utmost learning, with the greatest industry, with the most patient attention, with the utmost temperance, decorum, and even suavity towards the unhappy criminals—that so now, when it has left the hands of the judge, it may still be administered in the same merciful and humane spirit; and that after the blood that has been shed, whatever secondary punishments may be deemed proper for the heavy guilt of the offenders, may be all that the offended majesty of the law will require. But I must say, that if there be others, who have done what I have before described as the proximate cause of rebellion, it must appear strange that while to one set of men the gibbet should be given, another set of men, sharing the same guilt, should receive, not the gibbet, but the patronage of the Crown. Distinctions, indeed, might be easily found between the two classes of men, though hardly of a kind to explain the difference of treatment they have experienced. For instance, I have not heard that any of these men in Wales have been accustomed to play alternately the part of a slanderer and a sycophant—one day pouring forth the venom of their foul defamation, and another pouring forth the more nauseous slaver of their coarse, overdone, fulsome, and offensive adulation. Another difference may be marked between the two sets of men. You may not find amongst the Welshmen exhortations to raise fiery attacks on all respectable men, all venerable institutions, or incentives flung about among the combustible matter to make them kindle and blaze, followed by such admonitions as "Pray do nothing against the public peace;" "Pray be quiet, however;" any more than you may find those same honest Welshmen throwing oil on the flame, and beseeching it not to burn, or scattering firebrands among gunpowder, and begging of it not to explode. They have less confidence in being able to dupe their followers; they address themselves to a people incapable of being deluded by such stuff—they are too honest to deal in such gross and scandalous falsehoods. There is another circumstance of difference which certainly distinguishes them. I am not aware that, bad as the Welch and Yorkshire proceedings have been—highly injudicious in their origin—leading to acts of treason—tending, no doubt, to breaches of the peace and to rebellion against the Government—bad as they have been, highly to be reprobated—detestable acts worthy of all punishment, which mercy tempering justice would allow—at least they don't seem to have had any sordid end in view. They don't seem to have had a design of raising a cry in order to enable the perpetrator of the sedition, also to perpetrate an inroad on the exhausted resources of their famished followers. No such sordid views (and it is almost the only merit that their proceedings can be said to have), no such base, mean, sordid views appear to have been the motives of those proceedings against the peace. Those three circumstances which I have mentioned, no doubt, distinguish the one class from the other; but how far they afford a reason for the totally opposite course, which has been pursued towards the followers of sedition in two different parts of the empire, I leave to your Lordships' penetration and calm reflection to decide. Nevertheless, that this outbreak, that this sedition, that this excitement to tumult could never have been resorted to, and much more, never could have been successful, if there had not been in the body of the people an aptitude for receiving the delusion and excitement, and to break out into discord, I hold is perfectly self-evident, and to be one of the most melancholy circumstances which distinguishes the present day. But, my Lords, this is not all. I observe now, for the first time, a universal alienation of one great class of the community from all that stands above it. The great labouring population of the country are no longer knit in the bonds even of amity—even of neutrality with the other classes. Wild doctrines have been spread—doctrines that go to the root of all property—not of this or that government, or this or that form of polity, but which sap the foundations of civil society itself. Those doctrines go to the root of property, the foundation and corner-stone on which society is built; nay, which may be almost considered the distinguishing difference between the civilized and savage state—if it be not the distinction, the main distinction, between our species and the lower tribes of animated nature. The right of property is denied. The propriety of unfixing all rules and titles is freely discussed, and this is addressed to thousands, hundreds of thousands of people; but I would fain believe, not yet with anything like considerable success. But whatever success has attended these efforts, though I believe that such wild doctrines, the products of bewildered imaginations and troubled spirits, have not very greatly spread, notwithstanding the activity with which they have been disseminated—but whatever success may have attended them, I believe has been greatly owing to that distinction which divides the great body of the people of this country from all classes of their fellow citizens, who are ever so little removed from them—I mean the division which separates the unrepresented, from the represented portion of the people of this country. My Lords, of this there are manifest and plain symptoms in the late proceedings. You can never keep society together by main force—you cannot keep society bound in one consistent mass by the vigour of magistrates, or the good behaviour of troops. Even if you could be constantly applying such means to a body of which every one part is disunited in itself, and the great mass of which, is constantly and perpetually at war with a smaller portion, it is as utterly impossible as it is to mix fire and water in the same mass. It is contrary to the nature of things—it is contrary to the nature of man—it is contrary to the whole nature of human society, which stands on this law, that force, direct force, may correct trifling mischiefs; but it is by kindness and conciliation that reasonable men can be moved—by treating them as reasonable, that you can alone secure a constant and permanent tranquillity. Perhaps your Lordships may ask me why I dwell on these topics, which don't excite much interest in this House. No doubt they have nothing to do with the displacing of one government or the making of another; they have no personal reference any more than they have a party bearing. Yet they are all that on which a government must act if it means to deserve the name of a government—it is that on which all governments must proceed—first in inquiring into them, and then acting on them—

> "Altius his nihil est: hæc sunt fastigia mundi:
> Publica naturæ domus his contenta tenetur
> Foribus."

They are the very limits, the bonds, the conditions, the foundations, the essence of all the principles of our social system. Therefore, my Lords, I make no further apology for pursuing what I was about to state to your Lordships, or why I dwell upon this, and make apparently, as some of you may think, a theoretical and speculative, but, as I say, in the present state of this country, most strictly practicable use of the subject; and therefore it is, that I proceed to show, why it is, that I think this great severance has taken place, and the symptoms and indications in the consequences and effect of its present state. First, I go at once to the existence of Chartism. The Chartists are by no means, in point of numbers, so contemptible a body as many are pleased to suppose. Your Lordships would commit a grievous error if you supposed any such thing. They look fewer than they are, because they have no leaders in whom they have great confidence. A great number are prepared—are all but disciplined, are bound and united together, and are ready enough to show their numerical force, had they but leaders whom they could trust to march with them. But I come to another fact which shows the discrepancy of the two classes, and I know this from those whose business it is to understand it. Was there ever a time, till within the last two or three years, when a seditious or other political offence was prosecuted—that the Government could quite safely trust a common jury—a jury of tradesmen and shopkeepers. No such thing. The rule was never to think of it—acquittal would be certain—and a special jury was always had. Nay, as my noble and learned Friend opposite knows, they would not even pray a tales; but now ask any man in Westminster-hall to-morrow, and I will be bound the answer will be, that you would get a conviction of a common person for a seditious and political offence, by any common jury you can put into the box. Now that most undoubtedly, is a very great change, and it betokens a very considerable difference between the common masses of the people as they are now, and the shopkeepers—those a little above them, the proprietary class, even down to the most humble of that proprietary class—very different, indeed, from any thing that existed at a former period. But I come next, and last, to by far the most flagrant proof of this total difference which separates the various classes of the community—I come at once to the Corn-law. I venture to say, that if there is any one subject in which the interest of all classes are united—your Lordships may think the interests of the landlord are pre-eminent, and I know, that most of you think the interests of all classes are in favour of the Corn-law—but I am taking the interests of all classes, exclusive of the landlords, and these are supposed to be, I think rightly supposed to be, the interests of all classes, the numerous class of labourers, as well as the classes of proprietors, capitalists, and others are supposed to be universally the same, and their opinion, rightly, as I suppose, is against those laws, and in favour of the repeal. But it is quite immaterial to me whether I am right or wrong, for at all events no man can doubt, that all those classes firmly believe their interests are contrary to the Corn-laws, and in favour of the repeal, and my noble Friend opposite (Earl Stanhope) would make the greatest mistake that he ever committed in his life, if he were for a moment to fancy that, in consequence of what had taken place at some public meetings, the great bulk of the people agree with him, and differ with me, on the subject of the Corn-laws. They know full well their interest is against the Corn-laws—they have declared it again and again—they declare it to this House as often as they have a fair opportunity of doing so; but they are firmly resolved, notwithstanding their desire to effect a repeal, notwithstanding their conviction that it is for their better interests to abolish those laws; notwithstanding they are anxious to see the end of them, they declare and they act upon the supposition, that it is not their interest, and would not be their pleasure, to join with the superior classes of their fellow-citizens in any such project of improvement. The consequence of that is, that upon a question involving the interests of the whole population of the country, you dare not in the great towns call a public meeting, because you are sure that public meeting would decide against those who called it. Not, as my noble Friend (Earl Stanhope) may be well aware, on the merits of the question—I know their reasons—I know they hold the same opinion against the Corn-laws as the middle-classes—they were not taken in by the foolish speeches made by some Manchester men some years ago, in which they said, as if they had been determined to alienate from themselves the labourers of the country, that the consequences of repealing the Corn-laws would be to lower the price of wages—they have not been taken in by that. First, because they doubt whether it would lower wages, and next, because if it did take a little away it would bring it home to them in another direction, and that they would gain a great deal more by lowering the price of food than they would lose by the lowering of their wages. But these men are not to be taken in by the nonsense that is talked in some quarters, any more than that the alliance is to be rejected, as I have heard, on the question of the Corn-laws or on account of extreme violence of language they are said to have used in discussion on the Charter itself. I have heard that the shopkeepers look down upon them with a degree of aristocratic pride wholly unknown in this House, and in the other legitimate haunts of patricians—any thing more unmitigated, more unbroken, or more proud and somewhat intolerant, and perhaps unbearable than the aristocracy of the inferior classes of men towards those who are yet their inferiors, I believe can hardly be exaggerated. Don't believe what they tell you when they say they did not wish for their alliance on account of the extreme violence to which they had recourse. Why no Chartist ever made half so violent a speech since the Charter was first drawn up and first talked of, as was made at the Manchester meeting of the "capitalocracy"—that particular description of the aristocracy of the shopkeepers at Manchester, the other day, when your Lordships were described as dishonest men because you maintained your opinion in favour of the Corn-law—when being for or against them was laid down as the test of common honesty—ay, and when every landlord for abiding by the law, and using his property as he chose, was openly, and amidst the applause of thousands, denominated a robber. I never heard such violent language as that at any of the Chartist meetings, or even at their own convention in Palace-yard. Now, my Lords, no public meeting can be held in London, in Southwark, or in Westminster. In Edinburgh it has been attempted, and signally failed. In Nottingham and other places also attempted, and signally failed. But in this immense metropolis, with 1,500,000 inhabitants, who of all others have the greatest interest, and who, from personal intercourse with them, I know of all others have the strongest opinions and the warmest feelings against the Corn-laws, no man dare summon a meeting to petition or to resolve for a repeal of the Corn-laws. It is ascertained the cause of that is, that the people consider it is not their interest to co-operate in any degree or to any extent whatever with other classes above them, between whom and them there is now so wide a separation. Their mode of reasoning is this—we stood by you in 1831 to obtain Parliamentary Reform, you obtained the franchise for yourselves, but you left us out, and we are as much misrepresented as before. My Lords, that brings me at once to what I think is the cause of all this, and I rejoice (and of course your Lordships still more rejoice), that I am approaching to the end of what I deem to be a necessary and indispensable, though certainly a most painful duty. The great body of the people of England are excluded, and they know and feel that they are excluded from the political privileges of the constitution. They deny the doctrine of virtual representation altogether. If the workman has no vote himself he holds that it is an insult, and not an argument, when you bid him look to the vote of his master. His master! That is the very man, perhaps, that he is pitted against, and whom he wishes to vote against had he the franchise himself. He holds himself excluded by the vote being withheld, and he holds himself insulted by the mockery of the argument of his being virtually represented. He says, that to be represented by another, whom he has no fellow-feeling with, is not being represented, but that it is being misrepresented. He holds that he were better left without the vote of the other, without the virtual representation, if he is to have no direct and substantive vote. That is the condition of the great body of English people—it is the condition of ninety-nine in one hundred of the inhabitants of this country—it is the condition of all the most industrious, the most virtuous, the most skilful workman—it is the condition of almost all the artizans of the country—those whose ingenuity, as well as hard labour, are the very causes of the prosperity of England—it is the condition of nine in ten of the literary men in this country, men of science, lovers of arts, those men who carry the name with the wealth of this country all over the world to universal acceptation—it is the condition of all those labouring, industrious, ingenious classes, that a broad and impassable line is drawn between them and the Constitution, and that they are outlaws and outcasts from the Constitution. Then the question is, how long is this to be endured by them? And are they patiently to sit down under this exclusion? Are they to hug these chains as they deem them to be? And if men are excluded from that which they wish to enjoy, it is the consequence, the very nature of man, greatly to overvalue that which you withhold from them, and you enhance prodigiously and incalculably the value of it in their eyes. Then the common answer is, Oh, but you are not sufficiently educated, and the reply to that answer, when used by a very liberal person, a M. P., among his constituents the other day, in Yorkshire, appeared to me very applicable. The Member said to his constituents, "I am extremely desirous you should have the Elective Franchise, provided you are sufficiently instructed to use it." "Then," said the constituent to the Member, "Why did you vote for 30,000*l.* only for a grant for education theother day? See what are you now alleging? You don't educate me, and then you make your own withholding of education from me a ground for refusing me the Elective Franchise." Therefore it will be seen at once that such argument as that was utterly intolerable and ought not to be used. The time, if not come, is fast approaching when you will find it hopeless to use such an argument. The time will come when it will be no longer practicable to keep to that line which you have thought fit to draw, and to exclude the whole bulk of the labouring people of this country from the enjoyment of what they feel to be the most valuable rights under the Constitution. If a contrary course were adopted—if, instead of the exclusive system now adopted, you were to confide in the good sense of your fellow-countrymen, and under judicious regulations, adopting such tests independent of property, as might give you the best security for the Elective Franchise being honestly and wisely used — if, following that sacred principle of our Constitution, which holds that no man ought to be taxed who is not represented, and that no man ought to be called upon to obey laws which he had no hand, directly or indirectly in making—if, following that principle, and working it out, you were to throw open the door wider than it now is of our political constitution, extend the portals still farther to all classes of your industrious and useful fellow countrymen, believe me, you would see a great change. You would then see those preachers of sedition lecture to empty walls, if they continued to preach it. You would see an end to what I now regard as the most frightful of all the portentous sights that of late years have been displayed to the view of statesmen, that of the people separated into classes, irreconcileable, hostile to each other, and moreover, you would see the genuine aristocracy of the country, the rank, the wealth, the virtue, the intelligence, and the experience of the upper classes, once more regain that ascendancy with their fellow citizens which I believe to be natural, and which, if I know the nature of Englishmen, I believe to be congenial to their feelings and their habits. My Lords, I have to apologise to your Lordships for detaining you so long on the present occasion; and if I had thought I would have another opportunity I would willingly have postponed what I had to say, but I deemed it my duty to make these observations.

Earl *Stanhope* said, that nothing could be more against his wish than to trespass on their Lordships' time; but he could not possibly be silent after the speech of the noble and learned Lord. In all his observations upon the troubles that encompassed the country he (Lord Stanhope) entirely concurred, for the danger by which we were now surrounded was such as no man could possibly overlook; but, agreeing as he did with his noble and learned Friend in that part of his speech, he must, however, express his entire dissent from the opinion which his noble and learned Friend stated as to the causes of those troubles. It did not seem to have occurred to his noble and learned Friend in the course of his eloquent and impressive speech, that he unwillingly, and unwittingly perhaps, pronounced a severe censure upon measures which he had himself strongly advocated. Six years had now elapsed since that noble and learned Lord, who then occupied the highest station in the country, had on his bended knees implored them to pass the Reform Bill, and said that from that moment all agitation would cease, and there would exist nothing but contentment, great satisfaction and happiness. Had the event justified that prediction? What had they found but that the people had been incited, and by high quarters too, to menace this House of Parliament and the constitution itself, by an array of physical force and threats of actual violence? Had they not found, too, that the people had acted on the lesson they had been taught? Their Lordships had heard of a great leader living in times not very remote from the present—no other than John Wilkes—and after he had become a quiet and tranquil member of society, his windows being broken by the populace, he merely said, that it was only his apprentices setting up for themselves. Did not the noble and learned Lord say, that the New Poor-law which he so strongly recommended, was to exalt the character and improve the condition of the people? Without entering into a discussion of the merits or demerits of that measure on this occasion, he would say that the effect of it had been this—and he spoke not from the authority of Chartists, or members of what was called the National Convention, but from the authority of clergymen who were daily and hourly in communication with their parishioners, discharging with

Christian feeling the functions of their sacred office; who were not friends of innovation or reform, but, like himself, old-fashioned Tories; and, indeed, he knew from many quarters that what they said was true. It was, that the effect of the New Poor-law was such, that if any serious disturbance took place in the country, the agricultural labourers would rise as well as the manufacturers. Discontent was general and pervaded all classes of labourers, notwithstanding Reform and the New Poor-law. The noble and learned Lord seemed to consider the Corn-laws as the main-spring of the present discontent; but let him refer to the proceedings of any public meeting that had taken place of late, and he would find that that question was treated with scorn and contempt, and regarded as insignificant in comparison with the claim of Universal Suffrage, and Annual Parliaments. He was aware that the noble Earl opposite who preceded his noble and learned Friend, dwelling as he had done on the commercial distress of the country, meant to insinuate that it arose altogether from the existence of the Corn-laws; but on inquiry he would have found that the cause of that distress, which no man could deplore more deeply than himself, arose from the contraction of the circulating medium occasioned by Peel's Bill. On talking to a Member of the other House on the danger of an impending revolution, he was asked how it could be prevented; and the reply which he made was, that two measures should be repealed—namely, the New Poor-law and Peel's Bill, and that if that were done, all agitation would be vain and ineffectual, but that he believed neither of them would be repealed. He would conclude by saying, that he agreed with the noble Earl on his side of the House that a revolution was at the very threshold of our doors, the extent and consequence of which no man could foresee.

The Duke of *Richmond* would detain their Lordships a very few moments, whilst he made some observations on what had fallen from the noble Earl who had spoken early in the debate, and also from the noble Earl who had last spoken. He thought it highly important that it should not go forth to the country that the House of Lords thought we were on the eve of a revolution. He knew nothing more likely to produce such an event than that the people should be told that there was real cause of danger, that the Peers believed the country was on the eve of a revolution, and that they took no measures to prevent it. He deeply deplored the recent outbreak, as it was called, that had taken place in Wales, but he believed if inquiry were made, it would be found that that part of the country was not suffering great distress. He believed that the people of England were too loyal to allow any set of deluded men to incite them to take part in open rebellion. There might be some tumults in particular parts of the country, but he hoped and believed that by the energy of the local authorities all disturbances might be prevented, and that if any other outbreak took place, it might be put down without the aid of military power. There were large numbers of misguided men who marched in armed bodies upon Newport, and by whom were they defeated? By the mayor doing his duty, by one lieutenant and twenty-eight of the youngest soldiers perhaps in her Majesty's army. One lesson that the insurgents had learnt was, that they could not trust their leaders, that the man who had led them to Newport, who had induced them to join in open rebellion, and to fire on her Majesty's troops, was the first to skulk away to leave them in the danger, and like a coward was found some distance from the scene of action, only anxious for his own personal security; and they had also learnt that a few disciplined soldiers could beat thousands of men who knew they were acting against the laws of their country. He had no fear of the country, so long as the country was true to itself. The aristocracy should unite with the middle classes and with the labourers, and he hoped that their Lordships would take every opportunity of mixing with and meeting those who were placed under them, when they behaved in a manner to deserve to be countenanced. He had been in hopes, that on the very first day of the Session, they should not have heard of the Corn-laws; especially as, during the last Session, both Houses of Parliament had, by large majorities, declared that they did not think it expedient to alter them; it was a most curious proposal, that because unfortunately some of the manufacturers were in distress, the Legislature should, therefore, ruin the whole agricultural interests, and thus add to the distress of the manufacturers, by taking away from them the home market, which was far the most profitable of the two. But he would say no more upon this subject at present, than to express his opinion that Parliament having last year most properly refused to entertain the question, could not now do it without its being supposed that the riots out of doors had alarmed them. He hoped, therefore, that an inquiry into the Corn-laws would not be permitted, but if they succeeded in getting such an inquiry, which he himself thought quite unnecessary, he hoped that the statement of his noble and learned Friend would not be forgotten, that the labouring classes of the manufacturing districts would not support petitions for the repeal of those laws, and that the agricultural labourers and farmers would watch the proceedings of Parliament, and if they saw it was the intention to alter those laws, that they would exert themselves to the utmost to convey their opinions to both Houses of Parliament, that to repeal the Corn-laws would be to ruin them and to destroy the best interests of the country.

The Address was put from the Chair with the proposed Amendment, when

Viscount *Melbourne* said, he thought the insertion of the word "Protestant," as proposed, was quite unnecessary, and in fact, in his opinion prejudicial to the Address. It could add no confimration to that which was already sufficiently known; but if the amendment were persisted in, he would not make any further opposition to it.

The Duke of *Cambridge* said, that on this occasion he might be permitted to make a few observations. He had felt it his duty as a Peer to attend at the opening of Parliament this day, and more so as he was the only one of the Royal Family who could be present. He begged to express his most sincere and hearty concurrence in the way in which the marriage of her Majesty had been settled, and he might also add the concurrence of his brother, who was unfortunately prevented from appearing in the House this night. Having been so much on the Continent, and having perhaps more information than their Lordships of the principal families abroad, he had great satisfaction in stating that from all that he had heard and knew of the Prince, and from the high character he bore, he thought the young Prince whom her Majesty had chosen for her consort would contribute to her domestic happiness, and render himself equally popular to this country. What he now stated was from his full conviction, and all he had heard within the few last months tended to strengthen him in that opinion.

Address agreed to as amended. To be presented to her Majesty.

HOUSE OF COMMONS,

Thursday, January 16, 1840.

Opening of Parliament, — The Queen's Speech.] The Parliament having been this day opened by her Majesty in person, the Commons were summoned to the bar of the House of Peers to hear the Royal Speech. On their return the Speaker read the Speech, and the House adjourned till four o'clock. On re-assembling.

Mr. *E. Stanley* having moved a new writ for Edinburgh in the room of the right hon. T. B. Macauley, who since his election had accepted the office of her Majesty's Secretary at War,

Principles of the Ministry.] Mr. *D'Israeli* said, that before the question was put, he wished to address to the Government a question which he had asked on the eve of the last prorogation, when he had inquired upon what principles the new Cabinet was to be constructed. That inquiry he now repeated. Having been informed that several Cabinet Ministers had resigned, or were about to resign, he had thought it would be no outrage on common decency or common sense to put the question just before the last prorogation, and on that occasion a Member of the Cabinet, whom he regretted not to see now in his place—he meant the right hon. Baronet, the President of the Board of Control—declared that the Cabinet was not to be reconstructed, and, therefore, there would be no alteration in its course of policy. Nay, the right hon. Baronet, not satisfied with that public declaration, condescended, with that courtesy which was characteristic of him, to cross the floor of the House, and to give as private information to him, that he had entirely misconceived the nature of the motion then before the House—that there had been no reconstruction of the Cabinet, and that he had been entirely misinformed. Yet, in a short time after the prorogation, nay, within twenty-four hours four Cabinet Ministers had either resigned or changed office, and among them was one not less eminent or distinguished than the noble Lord the Member for Stroud, who had been, and probably still was, the leader of her Majesty's Government in that House. Within a very few days after the prorogation, one of the new Members of the reconstructed Cabinet, the present Chancellor of the Exchequer, meeting his constituents to celebrate the triumph of his re-election, laid peculiar stress upon the principles of that body of men he several times described as the new Cabinet; not satisfied with the phrase of a reconstructed Cabinet, which he used, the right hon. Gentleman several times called upon his constituents to give renewed confidence to the new Cabinet, of which he was a Member. He thought, therefore, the facts which had occurred justified him in the assumption that the Cabinet had been reconstructed. Four months the reconstruction had occupied, and a few days ago he read in the newspapers that a noble Lord, not one of the late Cabinet—not one who had changed his office—but who was in every sense of the word a new Member, had lately taken the oaths to her Majesty. Now, he held it to be the paramount duty of the House of Commons to ascertain who were the responsible advisers of the Crown. That seemed to be an unfashionable opinion in the reformed House of Commons; but at the present time, when Ministers may have incurred a very great responsibility, and it was proper that there should be a frank and manly declaration of Ministers in that House, it was neither decent nor decorous that the Members of that House should be left to ascertain who were the responsible advisers of the Crown, from the tittle-tattle of the clubs, or the gossip of the newspapers. And although it might be alleged that the information might be acquired from the *London Gazette,* in answer to that he would remark that many changes might take place in the Cabinet which never appered in the *London Gazette.* Why the present Ministers had deviated from a course that had been uniformly pursued by those who had preceded them in that House? He asked why there was any deviation from the usual course? A Cabinet was never changed or reconstructed without Ministerial explanations; and the greatest authorities had laid it down, and in particular Lord Grenville, that when a Cabinet is reconstructed, it was necessary to enter into explanations, even when an open change took place in the Government; but in changes of individual Members there was more necessity for explanation, to avoid the imputation of intrigue. Since the Reform Bill had passed, twelve Cabinet Ministers had resigned without affording any satisfactory explanations. He wished to know who were the responsible advisers of the Crown? He again asked who were her Majesty's Ministers? Would those noble Lords or hon. Gentlemen who were Cabinet Ministers hold up their hands? What place did the noble Lord the Member for Stroud fill? Was he still the leader of the Government in that House. Nobody could tell from the *Gazette,* and, therefore, he thought the present was a fit opportunity to repeat the question, and with anxiety he hoped to be favoured with an answer.

No reply was given.

Motion agreed to.

PRIVILEGE—STOCKDALE *v.* HANSARD.] Lord *J. Russell* said, that it was with great regret he felt himself impelled by a sense of duty to interpose before the reading of the Speech from the Throne, more especially upon the present occasion. But it was a duty, the performance of which, he could not avoid, as it was incumbent upon him, as a Member of that House, to regard its rights and privileges. There had been placed in his hands, a petition of Messrs. Luke and James Hansard, styling themselves, and properly styling themselves, the printers of that House, and containing matters of grave and deep importance to the rights and privileges of that House. So much, however, depended upon an accurate statement of the facts contained in the petition, that he thought the best course which he could pursue, and the best mode of performing his duty to the House, was to request, that the petition be read from the Table, rather than attempt to enter substantially into its details. He would content himself at present with stating that the petition related to certain proceedings which had taken place in consequence of an order given by that House on the 1st of August last, by which order the petitioners conceived themselves to be bound in an action, which had since taken place, with regard to certain publications sold by them according to the order of the House, and it appeared by the petition that certain goods, their property, had been taken in consequence of their acting in obedience to that order. His Lordship concluded by moving that the petition be read.

Petition read as follows:—

"*To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.*

"The humble petition of James Hansard,

Luke Graves Hansard, and Luke James Hansard, printers to this honourable house

“Showeth, That your petitioners communicated to your honourable House on the 6th day of February, and 1st day of June, 1837, respectively, the legal proceedings taken by John Joseph Stockdale against your petitioners, for the publication of certain parliamentary papers and reports.

“That on the 30th day of May, 1837, your honourable House passed the following resolutions:—

> 1. That the power of publishing such of its reports, votes, and proceedings as it shall deem necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially of this House, as the representative portion of it.
>
> “‘2. That by the law and privileges of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; and that the institution or prosecution of any action, suit, or other proceedings, for the purpose of bringing them into discussion or decision before any court or tribunal, elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon.’

“That on the 31st day of July last, your petitioners also communicated to your honourable House, that similar proceedings were threatened against your petitioner, by Mr. Charles Shaw, attorney, on behalf of Mr. Polack, for the publication of certain other parliamentary papers and reports.

“That on the 1st day of August, 1839, your hon. House passed the following resolutions:—

> “‘1. That Messrs. Hansard, in printing and publishing a report and minutes of evidence on the present state of the Islands of New Zealand, communicated by the House of Lords to this House, on the 7th of August, 1831, acted under the orders of this House; and that to bring, or assist in bringing, any action against them for such publication would be a breach of the privileges of this House.
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> “‘2. That Messrs. Hansard be directed not to answer the letter of Charles Shaw, mentioned in their petition, and not to take any step towards defending the action with which they are threatened in the said letter.’

“That your petitioners have subsequently been served with legal process issued out of the Court of Queen's Bench, at the suit of the said John Joseph Stockdale, in a third action for damages in libel.

“That the said process was issued by the said John Joseph Stockdale, in person, on the 26th day of August last, but the subsequent proceedings were carried on by Thomas Burton Howard, of No. 7 Norfolk-street, Strand, London, as attorney for the said John Joseph Stockdale, the plaintiff.

“That the cause of action is for the publication of printed parliamentary papers, as in the two previous actions.

“That your petitioners, on the 27th of August last, addressed a letter, as set forth in the schedule hereunto annexed, to the Right Honourable the Speaker, informing him of the said action; and that your petitioners received personally from Mr. Speaker instructions to conform strictly to the above resolutions of your honourable House.

“That, in consequence of the above-mentioned resolutions of your honourable House (dated respectively the 30th May, 1837, and 1st August, 1839), respecting the publication of papers under the authority of Parliament, your petitioners were advised that it would be contrary to their duty to appear and plead to this action in the absence of instructions from your honourable House.

“That your petitioners were advised that they should act more consistently with the resolutions of this honourable House, in not defending the said action, but your petitioners deemed it to be proper to give formal notice to the said John Joseph Stockdale, and to all persons assisting in prosecuting and carrying on such action, of the resolutions of your honourable house of the 30th of May, 1837, and 1st of August, 1839.

“That the said John Joseph Stockdale, by his said attorney, on the 26th day of October last, filed a declaration in the said action, wherein the damages were laid at 50,000*l.*, and on the 1st day of November last signed interlocutory judgment in such action for want of a plea.

“That your petitioners again caused notices against proceeding with the said action, together with copies of the said resolutions, to be served through their solicitors, Messrs. Parkes and Preston, upon the said John Joseph Stockdale and his attorney.

“That notwithstanding such notices, the said John Joseph Stockdale and his said attorney proceeded in the said action, and on the 2nd day of November last served your petitioners with a notice, purporting that a writ of inquiry of damages would be executed before the sheriff of the county of Middlesex on the 12th day of November last.

“That your petitioners thereupon caused further notices, together with copies of the said resolutions of your honourable House, to be served upon William Evans and John Wheelton, esquires, sheriffs for the said county of Middlesex; and also upon Thomas France and Henry Jackson, esquires, under sheriffs for the said county, and also upon James Burchell, esq., deputy under-sheriff for the said county, calling their attention to the said resolutions of your honourable House, and warning them against proceeding in the said action.

"That, in consequence of the said notices, the sheriff on the 8th of November last, made an application, supported by affidavit to the full Court of Queen's Bench, praying the court to enlarge the return of the said writ of inquiry of damages until after the meeting of your honourable House, which said application was directed to be made in the Bail Court, and was heard the day following, and the subsequent court day, by Mr. Justice Littledale, at Westminster, who refused to make any order.

"That the writ of inquiry of damages was accordingly executed on the 12th day of November last, in pursuance of the notice, when the sheriff's jury (Mr. James Burchell presiding) assessed the damages at 600*l.*

"That your petitioners subsequently caused further notices, together with copy of the said resolutions, to be served upon the sheriff, under-sheriff, and deputy under-sheriff, before named, warning them against making any return to the said writ of inquiry.

"That the said John Joseph Stockdale caused an application to be made to the Court of Queen's Bench for a rule to compel the sheriff to return the said writ of inquiry, which was ordered accordingly.

"That on the 23rd day of November last, a writ of *fieri facias* was issued by the said John Joseph Stockdale, and lodged with the sheriff, who thereupon entered upon the printing-office and premises of your petitioners, situate in Whetstone-park, Lincoln's-inn-fields, and took possession of your petitioners' stock in trade, goods and chattels therein.

"That your petitioners caused further notice, together with copies of the said resolutions, to be served upon the sheriff, under-sheriffs, deputy under-sheriff, before named, and upon William Hemp, bailiff, warning them not to sell under the said writ of *fieri facias,* nor to make any return to such writ.

"That on the 25th day of November last, the plaintiff served the sheriff with a judge's order to return the said writ of *fieri facias* into the Court of Queen's Bench; and the said sheriff made their return on the 29th November last, stating 'that they had caused to be seized divers goods and chattels of your petitioners, which remained in their hands unsold for want of buyers.'

"That on the 2nd day of December last, the plaintiff issued a writ *venditioni exponas,* directing the sheriff to proceed to a sale of your petitioners' goods and chattels, whereupon the sheriffs, through their bailiff, Mr. William Hemp, of Serle's-place, Carey-street, London, and Mr. James Crook, of Skinner-street, Snow-hill, auctioneer, forthwith advertised your petitioners' goods and chattels for sale by public auction.

"That the return day of the said writ of *venditioni exponas* was, upon application by the sheriff to a judge at chambers (Mr. Justice Littledale), enlarged until the 19th of December last.

"That the sheriff fixed the sale of your petitioners' goods and chattels to take place on the 17th December last, and gave public notice thereof by advertising the same in the public newspapers and otherwise.

"That on the 16th day of December, the said William Hemp addressed a letter to your petitioners, apprising them of an offer of 695*l.* made by Nicholas Winsland, of Great Russell-street, Bloomsbury, builder, for the first eleven lots of the goods of your petitioners advertised for sale, and requesting to know if your petitioners could provide a better purchaser, and that your petitioners replied thereto, repeating their protest, and informing the said William Hemp that they could not provide a better purchaser.

"That on the evening previously to the day of sale, the sheriff sold and disposed of the goods and chattels of your petitioners for the sum of 695*l.* the amount of damages with costs, and executed a bargain and sale thereof to Nicholas Winsland, of Great Russell-street, Bloomsbury, builder; and the said Nicholas Winsland paid the full amount of the said consideration money to the said William Hemp.

"That your petitioners caused further notices, together with copies of the said resolutions, to be served on the sheriff, under-sheriff, deputy under-sheriff, the bailiff, and auctioneer, requesting them not to pay over the said sum of 695*l.* or any part thereof, to the said John Joseph Stockdale, nor to any other person.

"That on the 20th day of December last, the said John Joseph Stockdale obtained a judge's summons, requiring the sheriff to show cause why they should not pay over to him the debt and costs so levied and raised of the goods and chattels of your petitioners as aforesaid; and on the 26th day of December last, Mr. Justice Patteson, on the hearing of the said summons, declined to make any order, on the ground (as your petitioners are informed) that it was an application which ought to be made to the full court, and not to a judge at chambers.

"That, on the 11th day of January instant, the said John Joseph Stockdale caused an application to be made to the Court of Queen's Bench, supported by affidavit, for a rule to compel the sheriff to pay over to him the amount of damages and costs in the said action.

"That the court, upon such application, granted a rule, calling on the sheriff to show cause, on Friday, the 17th day of January instant, why he should not pay over the said amount of damages and costs, together with costs of the application, to the said John Joseph Stockdale.

"That the sheriff has been served with the said rule, and the said rule will come on for argument on Friday or Saturday next, or so soon after as counsel can be heard.

"That on the 13th of January instant, your petitioners received a letter from Messrs. Burchell, deputy under-sheriff and agent, enclosing to your petitioners a copy of the rule.

"That your petitioners beg leave respectfully to apprise your honourable House of the above-mentioned proceedings of the said John Joseph Stockdale, and that they may be permitted to lay before your honourable House copies of the various notices given by your petitioners, together with copies and reports of all proceedings taken by the said John Joseph Stockdale and the sheriff, for the information of this honourable House.

"That the said sum or levy of 695*l.* now remains in the hands of the said sheriff.

"Your petitioners therefore humbly pray such relief in the premises as to your honourable House shall seem meet.

"James Hansard,
"Luke Graves Hansard,
"Luke James Hansard.

"16 Jan., 1840."

Petition to be printed, and taken into consideration on the next day.

Lord *J. Russell,* said he had a further motion to make, for it was incumbent upon the House to lose no time in coming to a decision upon this question. Indeed, it was hardly necessary for him to urge the importance of so doing, for every Member must be fully impressed with the necessity of coming to some speedy decision. He need only say, that whichever way the House decided, the question was one which could not possibly be left in the position in which it at present stood. It appeared from the statement of facts contained in the petition, that property of the petitioners to the amount of 690*l.* had been seized. That seizure had taken place in consequence of their acting in obedience to the orders of that House, and the money received for the effects was now in the hands of the sheriff. There appeared to him many ways in which the House might dispose of this question. They might act upon their ancient and undoubted right, and vindicate the violation of their privilege by the ancient mode of commitment. That was, in his mind, the most constitutional course, and the one most consistent with the dignity and privileges of the House, There were, however, various other modes of proceeding. The House could, if it thought fit, direct the Messrs. Hansard to plead in all cases of future action, and thereby bring the question of privilege before the courts. They could also adopt another course, and abandon all their privileges, as a learned Gentleman had suggested, and confine all their papers to a circulation among the Members only, or they might proceed, if they thought it necessary to have the papers circulated for general use, to provide for the settlement of the question by a bill brought in for that purpose. There were other courses also which could be adopted, but upon which he would not then enter. Their present position, however, was one in which no person would say they ought to continue. They could not continue to print and circulate for general use and distribution papers containing—as the proceedings which took place under what might be called the grand inquisition of the nation must contain — complaints and grievances comprising much criminatory matter, without any answers being set up. The consequence of such a state of things must be, that the persons who felt themselves aggrieved would proceed at law, and no defence being set up, the printers of the House would, as in the present instance, be mulcted to a large amount in consequence. He was satisfied, that no person could contemplate the continuance of such a state of things. He should therefore move, that certain persons mentioned in the petition be summoned to the bar of the House, when any Gentleman could question them as to the facts stated, and it would be in the power of the House to adopt that course which, under all the circumstances of the case, it might think proper to pursue. He should first move, that John Joseph Stockdale, the plaintiff, be called; next Thomas Burton Howard, his attorney in the case; then William Evans, the sheriff, together with his under-sheriff, and the deputy under-sheriff, Mr. Burchell, who presided at the trial. He should also move for the attendance of the bailiff who acted in the case. The noble Lord concluded by moving, that John Joseph Stockdale be summoned to the bar on the following day.

Sir *E. Sugden* said, that as the noble Lord intended to follow up this motion by moving for the attendance of the others whom he had named, and requiring the attendance of the sheriff, he feared that such a course would only tend to throw additional difficulties in the way, which he would shortly state to the House. He fully concurred in the opinion, that things could not remain in the state in which they now were. It was decidedly necessary that some step should be taken. No one was more disposed than he to assert and vindicate the just privileges of the House; but it was impossible to disguise the fact, that if the sheriff were to be called to the bar and committed, they must proceed much further and come into collision with the judges, or else give up all claim to these privileges. It would be impossible for the House to come to anything like a fair discussion of the question without first taking a short review of the law as related to this case. After a careful investigation of the authorities upon the subject, he felt himself in a condition to state to the House what his impressions upon it were. They were not now upon a question of personal privilege, which should be altogether left aside, unless as it might be useful in the way of illustration. The question before the House was upon their right to authorize the publication generally of whatever papers they chose to print, and their right to sell those papers to whoever chose to buy them, no matter what their contents. They had first to inquire if they possessed the power of commitment, and if the party committed could be released upon a *habeas corpus*. That was a question which might be very much narrowed between them and the person bringing the action. it was not disputed by any body, although he believed it had been, as he thought, erroneously asserted, that the Lord Chief Justice had disputed it, that that House possessed the power of committing any person for a breach of its privileges. That it did possess that power was undoubted. The first case to which he would refer was that of Lord Shaftesbury where the commitment was by the House of Lords. The judges were of opinion that it was not a good commitment upon the face of it; but they felt themselves bound by the power of the House, and refused to examine the commitment or to release Lord Shaftesbury. The House of Lords ultimately rescinded their own resolution as to that noble Lord. He saw no difficulty on that account, because the House had the power to do so, and the circumstance of its rescinding an improper order showed, that if it went wrong, it was willing, and had the power to correct its own mistake. In the case of "Ashby and White," it was held by five judges, although disputed by five others, and decided by the House of Lords, that an action could be maintained against a returning officer for rejecting a man's vote. It was considered to have been a breach of privilege. The question was decided by the House of Lords in a judicial way, and the result was, that other persons brought similar actions. Patey was one of those who brought a similar action, and that House committed him for a breach of privilege in bringing the action, although it was precisely similar to that brought by Ashby, in which the judgment had been reversed, and in which the House of Lords had decided that an action could lie. Upon the commitment in this case, called the Aylesbury case, a *habeas corpus* was sued out for Patey, and the question came before the Common Pleas. Lord Chief Justice Holt was of opinion that the commitment was bad, and ought not to prevail. He held that all privilege was subject to examination, and that the act of commitment was an illegal act; but he was opposed by Lord Chancellor Cowper and eleven of his brother judges. The effect was to establish the power of that (the Commons) House to commit for breach of privilege beyond the possibility of being questioned by any other court and that no court had the power of doing so. It was incident to every such court to have the power of commitment for contempt, and it alone was judge of what was contempt, and what not. In the case of Alexander Murray, who was committed for contempt generally, Judges De Grey, Wright, Denison, and Foster refused to release upon *habeas corpus*, and spoke strongly in favour of the power of the House. In the case of Crosby who was committed for contempt, in committing the messenger, the judges remanded him upon a *habeas corpus*, and spoke strongly in favour of the powers of the House, The next question was, supposing the commitment to be illegal, could the parties suffering under it maintain an action for assault or false imprisonment? The authorities upon the subject clearly settled that they could not recover in such action. Chief Justice Pemberton and Mr. Justice Jones had decided the question, as shown by the case of "Jay v. Topham." In the case of "Burdett v. Abbott," Lord Ellenborough said that there was no instance of such an action for damages brought, or suggested, as fit to be resorted to; and Mr. Justice Bayley showed that doing so, would be directly to question the judgment of the House of Commons, and that it would be absurd to give damages for an imprisonment from which the court could not release the party. He took it, therefore, to be settled, that that House had the power to commit, and that no authority could examine into that commitment; likewise that no man could maintain an action of assault or false imprisonment in consequence of that power having been duly exercised. He said duly exercised, because the officers, if they exceeded the authority imposed upon them in the execution of the writ, were amenable at common law, and no power of that House would protect them from the recovery of damages. The great question then remained as to what were the rights of that House incidentally, if an action were brought for damages. The result of his investigation was, that a resolution of that House was of no avail in a court of justice upon an action brought upon a commitment, and that it was the duty of the court, the case being brought before it, to inquire into and decide it. In the cases he had referred to, the courts heard and decided, but did not examine the validity of the commitment. He would now quote two others, and set off one against the other. In the case of "Barnardiston *v.* Soame," an action against the returning officer for a double return, and which was ultimately held not to lie, Chief Justice North said they should be cautious how they interfered with the privilege of that House, one of the greatest that existed, of deciding upon its own privileges. The other case was that of "Benyon *v.* Evelyn," in which Chief Justice Bridgman said that resolutions of either House of Parliament did not bind the judges, who were obliged upon oath to give judgment according to what they considered to be law, though their judgments should be contrary to such resolutions. The next case to which he would refer was that of "Ashby *v.* White," a case which would enable the House to understand the question more clearly. The plaintiff brought his action against the defendant, a returning officer, for refusing to take his vote. Chief Justice Holt, who was always against the privileges of the House, was of opinion, although there were eleven judges and the Lord Chancellor against him, that the action would lie. Upon an appeal from the decision that the action would not lie, to the House of Lords, in its judicial capacity, the judgment of the court was reversed. That case involved the question of a breach of privilege of that House; for it had voted that it was a breach of privilege to bring the action. When the action had failed in a court of common law that House had voted that it would be a breach of privilege to proceed with it, notwithstanding which an appeal was made to the House of Lords sitting judicially, and they decided against the resolution of the House of Commons. The House of Commons had never reversed that decision. How, then, did the case stand? The House of Lords, as a court of justice, would not attend to their resolution. The House of Lords was bound to decide precisely in the same way in point of law as the court of law ought to have decided. The House of Lords were not to decide politically, but judicially, and precisely as if they were a court of law. The House of Lords, had, in fact, already refused to attend to their privileges, and had decided as a court of law upon them. How then, could they ask the Court of Queen's Bench, as a court of law, to attend to their resolution, when the House of Lords would decide against them, if the law justified their doing so? Let them, therefore, observe the situation in which they placed the court below. If it even decided for them, there might be an appeal, and the House of Lords might decide against them, notwithstanding their resolution. He consequently found himself under the necessity of admitting that no resolution of that House could bind a court of law in its decision of a question upon an action which involved the privileges of that House. The Banbury peerage case showed that no resolution of the House of Lords was binding upon a court of law. The case was decided by the Chief Justice and the Court against the resolution of the Lords, who had not the matter of the Peerage regularly before them. There were five judges for the judgment, and four or five against it. The Lords voted in parties, and the Whigs beat the Tories for Lord Wharton, who had the interest in the borough. Many judges had held that the privileges of the House of Commons coming incidentally before the courts must be examined. The exceptions were commitments, and actions after them for false imprisonment. Chief Justice Holt, as all knew, was against the powers of the House generally. Powell was of opinion that the court was bound incidentally to examine questions arising upon actions. Bridgman was strongly opposed to binding courts of law by resolutions of that House. De Grey and Gould thought similarly. Kenyon had said that cases would arise which the court would be bound to investigate; and Lord Ellenborough expressly declared that cases might arise in which the court would be bound to examine into the question of privilege, and decide against it. He believed he had stated all he intended as to the power of the House regarding its commitments and resolutions, and he would now briefly call attention to its right of publishing papers which might prejudice other persons. The question might be narrowed into this—could the House print and publish papers generally, and which reflected prejudicially upon the character of others? He would instance a case. A man presented a petition full of defamatory matter against another person. It was printed for the use of the Members of the House, and it was held by Lord Ellenborough and Mr. Justice Bayley, after much consideration, in the case of "The King v Creevy," to be lawful to have done so, because it was the customary proceeding of the House. It was also held that the Speaker was not liable to an action for ordering the printing or publishing of a defamatory paper by order of the House. In Williams's case it was decided otherwise, but held by all to be bad law, and was struck out of the Bill of rights, as a disgrace to the country. But the person whose petition was published, and the venders of it, were held to be liable, and not protected by the resolution of the House. In the case of "The King *v.* Dangerfield" the defendant was convicted of a libel. Lord Peterborough brought actions against Speaker Williams, Dangerfield, and seven other persons, and recovered above 6,700*l.* besides costs. All agreed that the action was bad in law against the Speaker, but valid against the publishers. The right hon. Gentleman then quoted the case of "The King *v.* Wright," who had published a report of a select committee of the House of Commons. On an application for a criminal information against him for a libel contained in the report, Lord Kenyon held that the court could not grant it. Lord Ellenborough had also in a subsequent case expressed an opinion on this subject which he would read to the House. His Lordship, in "Rex *v.* Creevy," said, in reference to Lord Kenyon's observations in "Rex *v.* Wright,"—

> "That what was printed for the use of the Members was certainly a privileged communication; but he was not prepared to say, that to circulate a copy of that which was intended for the use of Members, if it contained matter of an injurious tendency to the character of an individual, was legitimate and could not be made the ground of prosecution. He would hesitate to pronounce it a proceeding in Parliament in the terms given by some of the judges in that case."

Such was the opinion expressed by Lord Ellenborough. The only other case that bore upon the point was that of "Rex *v.* Abington," and "Rex *v.* Creevy," in the latter of which an action was brought against Creevy for the publication of his own speech after it had been delivered in that House. In that case, as the speech contained matter injurious to an individual it was held that Creevy was liable to indictment. That was a strong case. If the speech was published without malice, it was hard that he should be held liable for publishing that which he had a perfect right to state in his place in Parliament; but so it was decided, and the decision was held to be law. A Member might make in that House what statement he pleased; but when he went out of that House, and published his speeches delivered within its walls, he was liable to an indictment if he published what was injurious to individuals, but which he had an undoubted right to state before the House. This brought him to that part of the question which had reference to the authority of the House. Now, his opinion was, and he stated it with all humility, and with a sincere desire to give every aid and assistance in his power in forming a right decision on this most important subject—his opinion was, that even in a court of common law the judges would have been bound to decide this case of Stockdale had it been brought before them. What then should the House do? Were they to bring the sheriffs to the bar? and how would they proceed then? He was of opinion that the judges were bound to give a decision when the question was once brought before them. Then could the House commit the judges? No. He would distinctly say that that House would disgrace itself for ever if it ventured to call the judges to the bar. They could not bring the sheriffs to the bar and stop there; but they must proceed further. If the sheriffs came before them, the House would ask if they had the money? The answer would be yes. The House would then desire them not to part with it; but what would be the result? Why, within four days the sheriffs would be compelled to deliver up the money by the laws of the land. The sheriffs by law would be forced to do that which the House had ordered them not to do. Now, was the House prepared to commit the sheriffs? Why, in four days, if they did not pay the money when ordered, they would be committed by the Court of Queen's Bench. What then were the sheriffs to do? If they obeyed the orders of the House, they would be committed by the Court of Queen's Bench; and if they obeyed the orders of that court, were they then to be committed by that House? The House was to send them to prison, if they did not comply with its mandates, and if they obeyed those mandates, then would they be committed by the Court of Queen's Bench to the prison of that court. Was that a situation, he would fearlessly ask, in which the sheriffs ought to be placed? Let the House reflect that their present position in regard to this matter was the result of their own conduct, and was it, therefore, right or proper, that they should now visit on the executive officers of justice all the unfortunate consequences of their own delay? Such a course would be most unjust, and could not fail to prove injurious to the character of the House itself. In the first action which was brought the House had allowed the proceedings to go on, and the judges were bound to decide on the question which was brought before them. In the next, the House had refused to appear, and judgment had been allowed to go by default in consequence. He had always thought that an unwise proceeding, and he was persuaded that it had added much to their embarrassments. By allowing judgment to go by default, they had confessed that there was a ground of action and the consequence of that had been, in his opinion, very injurious. In the first instance, when the case was before a jury, it was pleaded that Stockdale was not the injured person he had been represented, and the jury had found, that that was true, and no damages had been given. But the House had not appeared in the second case, and other parties had then become jealous of their privileges and authority as well as the House of Commons. The jury might, no doubt, have been offended that no appearance had been made by the House and, at all events, in the next case, they had given 100*l.* damages, and, in the last case, 600*l.*, and from what he knew of the spirit and independence of the juries of this country, he had no hesitation in saying, that, if they went on, they would, in the next case, give 6,000*l.* Their own conduct had brought them, therefore, into their present position, and now they were to proceed against the sheriffs, and bring them to the Bar of that House for doing that which in law they were bound to do. He was decidedly against that course, and should oppose it. Let them call Stockdale to their Bar, if they would, and he should not oppose such a course. Stockdale had already beaten them on their own grounds, and they could go to the House of Lords if they would. In the case of "Burdett *v.* Abbott" they had followed the proceedings to the House of Lords, and they had in that case been successful. But suppose the Lords had decided against them, what in that case would they have done? The House might pass a resolution, and the judges would overrule it, and if they went to the Lords, the Lords would be obliged to follow the same course, if the resolution was contrary to law. What course, then, were they to follow? He would suggest, that the House, before proceeding farther, should have a conference with the Lords. By so doing, this House would be submitting to no degradation. It would not be submitting the question of its privileges to the House of Lords, but it would, on a point of law, be taking the opinion of the highest tribunal which the country recognized. As he had before said, he was of opinion, that the House had a right to publish this particular paper, but the evil had arisen from the resolution of the House, ordering the sale of the papers printed for the use of the Members. No one could read the judgments of the learned judges without being impressed with the opinion that the character of the publication had been in their estimation materially affected by the circumstances of these proceedings being sold in the manner they had been. The House, in fact, were now acting in the character of booksellers; and although formerly the public could obtain copies of certain parts of their printed papers, yet they could not then, as in the case of Stockdale, purchase as many copies as any individual might choose. How many copies of the libel against Stockdale had that individual purchased, or could anybody doubt that he had purchased more copies than one, or that he was ready to proceed with another action when the present was settled? His humble opinion, therefore, was, that the House should, as a preventive measure, rescind the resolution authorizing the sale of its papers. The right hon. and learned Gentleman concluded by saying that he should oppose the motion for ordering the sheriffs to the Bar of the House.

Sir *Robert Inglis* hoped the Attorney-general, or some other Member of the Government, would rise before the debate closed, to answer, or rather to attempt to answer, the able speech of his right hon. Friend who had just sat down. The Attorney-general there, as well as in the Court of Queen's Bench, had upon his case, allowed judgment to go by default, and he hoped he would yet rise to state his opinions to the House. He had indeed summoned officers of that court to the bar, but he had not yet defended that measure, or any other of his proceedings in the matter. He took that opportunity of rising, because he remembered that Sergeant Wilde said, in a memorable speech which he had delivered on this subject last Session—[Cheers.] (Hon. Gentlemen opposite might cheer, but everything memorable was not necessarily good.)—Sergeant Wilde had said, that this was not so much a question of law, as of general constitutional principles; and it was because such was the case, that he now took the liberty of addressing the House. He was surprised, that the noble Lord (Lord J. Russell) had not had the courage to add two more to the motions which he had submitted to the House. He was surprised, that he had not had the courage in the first place to add the names of the jurors, who had decided on the case to the list of those whom he was to bring to the bar of the House. The noble Lord had not ventured to take that step; he had felt that he dared not advance so far. The noble Lord was contented to move for the appearance of the mere Ministerial officers who had acted on this occasion; but he did not dare to move for the appearance of the twelve honest jurors who had given the verdict. Neither had he dared to move, that the judges, that the Lord Chief Justice of England, should be brought to the bar. Why did he assert that the noble Lord dared not have done so? He made that assertion because the noble Lord had the power to add these names, and had not expected it, though if any were culprits, those who gave the damages and those who ordered the enforcement of them, were far more guilty than the mere executive officers of the court who were sworn to obey its orders. Those officers were to be punished for obeying the law, for complying with the writ of the court; and was the noble Lord, was the Attorney-general aware, that the writ which the sheriffs had to execute was issued in the name and under the authority of their common mistress? The sheriffs had nothing to do but to obey the orders of the court. The moment the writ was in their hands they were bound to obey it. But had the House really exhausted all the legal measures which could be adopted under the circumstances? They had been contented with one trial, and he begged to ask the Attorney-general whether, had he moved for a writ of error he might not have had the opinion of all the judges on this important question, or of the House of Lords? If the question had been referred to the fifteen judges, did the Attorney-general believe, that all those learned personages were hostile to that House? If the case had been referred to the fifteen judges, the Attorney-General would not have been in a worse position than he was now, and he might have been in a better. Did the Attorney-general believe, that the whole of the judges would have been against him? If he did, what an admission was that for the first law officer to make—viz., that the measures which he had recommended to the Government were such as all the judges would pronounce illegal? If, on the other hand, the Attorney-general believed, that he would have had a majority of the judges in his favour, he should have referred the case to their decision, and he would then have been in a better position than he now was, even at the worst, he could then have had recourse to the House of Lords. But instead of pursuing that course, the hon. and learned Gentleman had suffered judgment to go by default, and thus compelled the defendant in the action to admit the injury: and now they turned round, not on the jury who had given the verdict, not on the judge who had tried the case, but on the sheriff and deputy sheriff, who had only executed the orders of the court. He could not conceive anything more shabby, or anything more unworthy of that House, than to suffer the jury and the high legal officers to escape, because the noble Lord felt he dared not attack them, and content themselves with the easy process of calling to the bar the sheriff and deputy sheriff of Middlesex, whom they thought they could frighten into obedience. Taking such a view of the case, and feeling that they had entered into a contest in which they could obtain no honour, but in which they would only sink deeper and deeper in degradation, he would once more earnestly call upon the House to pause before proceeding further. If they were prepared to proceed to the last extremities, let them well consider what those extremities were In the first place, the large mass of the people, who were so much and so justly attached to the jury system, would be against them. In the next place, the powerful body attached to the courts of law would be against them; and, in the third place, they would be brought into collision with the House of Lords. There had been periods, and within seven years, when the noble Lord opposite might have cheered on this House to a collision with the House of Lords. That time happily had passed away. But the noble Lord however averse he might now be to such a crisis must not expect that a question like the present could be determined without such a collision. He had already accused the noble Lord of want of political courage for not attacking the chief justice. Would the House summon the chief justice of England to the bar? No. The House knew that the utmost it could do would be to send up a message to the House of Lords, praying that their Lordships would give leave to one of their Members (naming him) to attend at the bar of the House of Commons. Suppose the Lords should refuse—did the House mean to say—did the noble Lord mean to say, that a vote of the House of Commons could pass authorizing the Speaker to issue his warrant to compel the attendance of the chief justice of England. He wished that hon. Gentlemen would only consider for a moment how far they were prepared to follow up this resolution. Was the noble Lord prepared to move, that the Speaker do issue his warrant to the sergeant at arms to seize Lord Denman upon the bench, and to bring him to the bar of that House. It was vain for the House to endeavour to disguise from itself, that it was at that moment on the brink of a proceeding in which further advance would serve only to plunge it deeper in degradation. He trusted, therefore, that before the House consented to go further, it would seriously consider not merely the motion now before it, but the means by which that motion was to be followed up. With that feeling, he should support his right hon. and learned Friend, in meeting the noble Lord's motion by a direct negative.

The *Attorney-General.* If I had taken no part in this debate, I think I might have been excused by the House, seeing that I am within an hour of my return from the discharge of very important official duties —duties which, for the last three weeks, have entirely absorbed my attention— duties which must have come within the knowledge of every member of the House, and which I have performed to the best of my ability, endeavouring, on the one hand, to protect the interests of the Crown, and on the other to preserve the interests of the public. Thus engaged, I was ignorant of what had been done in the case of Stockdale *v.* Hansard. I was even ignorant of the course which my noble Friend proposed to pursue, until I entered the House this evening. I have, however, not the slightest hesitation in rising in my place, and saying, that I entirely approve of the motion of my noble Friend. And unless that motion be carried, I think that the privileges of the House will be for ever lost. I think that our usefulness will be at an end, if we abandon our privileges; if we succumb upon this occasion, I think we shall be guilty of treason to those who sent us here. We are bound to defend our privileges, and in defending them, to follow up the precedents which have been set us by those who formerly represented the people of England, and were the defenders of their liberties. Has the hon. Baronet, the Member for the University of Oxford (Sir R. Inglis) or the right hon. and learned Member for Ripon (Sir E. Sugden) made any proposition as to what ought to be done? Some course of action is imperatively necessary. The question is, what course shall be adopted—what course is most likely to prove beneficial? Will the House allow the damages to be paid by the Sheriff to Stockdale? Will the House allow a fourth action to be brought by Stockdale against its own officers, in which, as has been stated, the damages may be laid at 10,000*l.*? Will the House allow any person to bring an action against its own officers for what has been done in obedience to its own orders? Mr. Hansard is the printer to the House of Commons. He has acted under the orders of the House of Commons. An action has been brought against him for what he has done in pursuance of the orders which the House has given him. Will the House allow the damages awarded in that action to be levied upon his goods? Will the House allow the money to come out of Mr. Hansard's pocket, or will it say that the sum shall be included in the estimates for the year, to be paid out of the revenue of the country? If you do that, you not only abandon the right of publishing that which you conceive to be necessary for the public good, but you totally alter the position in which you have hitherto stood. You subject yourselves not only to the judgment of the Court of Queen's Bench, but to the judgment of every other inferior tribunal throughout the whole of the country. A similar action to that brought by Stockdale in the Court of Queen's Bench might be brought in a court of requests, in a borough court, or in any of the manor courts in any part of the country, and each of these courts would have an equal right with the Court of Queen's Bench to decide upon your privileges. If the position assumed by the right hon. and learned Gentleman be correct, then an action may be brought against any officer of this House, and if he pleads privilege, it is competent to any of the inferior tribunals to which I have referred, to overrule the point of privilege, and to execute judgment. It is to be remembered, too, that the question does not confine itself to civil proceedings, but extends to criminal; and Mr. Hansard, instead of having an action brought against him in the Queen's Bench, may be indicted either at the Central Criminal Court, or at any court of quarter sessions in the kingdom. According to the doctrine of the right hon. Gentlemen who have just addressed the House, it would be no defence to say, that he had acted in obedience to the orders of the House; he may be found guilty of libel, and be subject either to fine or imprisonment. If you abandon this privilege, you will allow every other privilege you possess to be brought in a similar way under the judgment of another tribunal. Your messenger, who enters a house for the purpose of obtaining the attendance of a witness, may have an action of trespass brought against him, or may be indicted for an assault, and if at the trial the question of privilege be raised, the court may overrule it in precisely the same manner as it has been overruled in the present instance. It is said that the judges in the case of Stockdale *v.* Hansard, although they decided against that particular part of your privileges which relates to the publication of papers, were nevertheless disposed to respect your other privileges. But do you know how long they will continue to respect them? Lord Denman, in this very case, cast a doubt upon your power of commitment, and has reserved to himself the right of inquiry whether that power, which may in some cases belong to you, ought always to be exercised. The majority of the other judges, it is true, differ from Lord Denman upon that point; but how do I know that in the course of a few years, a majority of them may not concur with him, and overrule your power of commitment, just as they have now overruled your power of printing? The right hon. and learned Gentleman (Sir E. Sugden) says, that in this particular instance, he thanks the right of publication did belong to the House. Then the judgment of the court must be wrong. I admit that the hon. Baronet, the Member for the University of Oxford (Sir R. Inglis), who thinks the judgment of the court right—who thinks that the House of Commons does not possess this power of publication—who thinks that the Court of Queen's Bench, and every other court in the kingdom, has a right to overrule our claim of privilege upon the point;—I admit that he may be justified in saying that we ought not to proceed further. The hon. Baronet, with his views upon the subject, is undoubtedly quite right in saying, that the further we go the worse we shall fare. But I appeal to those Members of the House who think that the judgment of the Court of Queen's Bench is wrong—who think that the power of publication is essentially necessary to the Commons of England—who think that this House ought to be the judge of its privileges—to them I appeal, and I apprehend that they must necessarily come to the conclusion, that the time has arrived when something must be done, and that there can be no mode of proceeding better calculated to achieve the object in view, and to preserve the rights of the House, than that now proposed by my noble Friend the Secretary for the Colonies. The motion is simply this—that Stockdale and the sheriffs be required to attend at the bar of the House. If the sheriffs be required to attend, it does not in the slightest degree follow that they are to be sent to Newgate. It is true that the commitment of the offending parties may be deemed necessary to a complete vindication of the privilege of the House. That is the course which has been adopted in former instances (of which, if the time served, I could quote many), but all that is now moved is, that the sheriffs be required to attend. Under what circumstances do we require them to attend? Last year a resolution was passed by a large majority of this House, stating that Mr. Hansard ought not to appear to the action. In obedience to the instruction of the House he did not appear. Not having appeared to the action, his goods have been seized by the sheriffs of Middlesex to the amount of 690*l*. Then is it not right that we should have the sheriffs before us, in order that we may put a few questions to them—in order that we may know by what authority they have taken the goods of our servant—in order that we may ascertain whether our resolution was served upon them; in fine, in order that we may know how they mean to defend themselves. The sheriffs may justify themselves; but surely we have a *prima facie* case for calling them to the bar. When they are at the bar, questions may be put to them, and explanations may be made; but I should not be prepared to say, unless they acquit themselves, that it may not be necessary to proceed further against them; because, in spite o' the notice which we caused to be served upon them, they have proceeded against our officer, and seized and sold his goods. Under these circumstances, I think it is highly probable that the House may determine that the sheriffs should be committed to Newgate; and at present, I confess, I know of no other course by which the privilege of the House can be vindicated. The hon. Baronet, the Member for the University of Oxford, says, " Why not seize the judges?" As far as this case is concerned, the judges are not at all to be found fault with; because, in this case, it has never been submitted judicially to the notice of the judges, that the action was brought against Hansard for that which he had done in obedience to the orders of the House. The judges, therefore, are not to blame; but the sheriffs, with full notice of our resolution, have proceeded to levy an execution upon the goods of our servant. Then what is to be done? I say, summon Mr. Stockdale, and those who have acted in the case, and let us hear what they have to say in their defence. If any hon. Member can point out any better mode by which our privileges can be asserted, by all means let that mode be preferred; but if no other mode can be suggested, then I say it is incumbent upon the House to adopt that which has been proposed by my noble Friend. If we do not take some steps of this kind, our privileges are for ever gone. I anticipate that a large majority of the House will be of opinion, not only that Stockdale, but that the sheriffs ought to be summoned. When they are at the bar, then will be the proper time to onsider of the ultimate course of action I think I may pledge myself to the House, that upon that occasion, I shall be prepared to show various instances in which a similar course has been pursued. I content myself now by reminding the House of the course pursued by the House of Lords in a very similar case—I mean the case of " Bell *v.* Glass," which occurred in 1827. In that case there was a judgment recovered, and the party who recovered the judgment was proceeding to levy an execution to obtain the fruits of the judgment; but the Lords immediately interfered, and summoned not only the plaintiff, but the judge who tried the case, to the bar of their House. The House probably knows the case to which I refer; but shall I be told that, in a question of this nature, there is any difference between the judges of the Queen's Bench, and the judges of the court of requests. The latter has just as much right to award damages. and issue execution as the Court of Queen's Bench sitting in Westminster-hall. Bell, the plaintiff, brought an action in the court of requests against Glass, an officer of the House of Lords, because Glass, in obedience to the orders of the House, took an umbrella from him. The Court of Requests heard the case, and awarded damages to Bell to the amount of the property of which he had been deprived. Thus far there is an identity between the case of Bell and Glass and the case of Stockdale and Hansard. What did the House of Lords do? They immediately summoned Bell, the plaintiff, to the bar of their House, together with the clerk of the Court of Requests, and, I think, one of the judges. They declared to these parties that it was a high breach of the privileges of their House to have brought the action, and they warned Bell that he should not persist in levying the damage. Furthermore, it was only upon the assurance of Bell that he would abandon the judgment given in his favour that he was not committed to Newgate. The officers of the Court of Requests declared that they were not aware that the matter had arisen out of a breach of the privileges of the House, and that Glass, the defendant, had acted in obedience to their Lordships' orders, and for that reason, and that reason alone, the officers of the court were acquitted. Here there is an instance unanimously come to by the other House under circumstances very similar to those in which we are now involved. The House of

Lords have acted in the same manner in many other cases. An action was brought by a person against an officer of the House for acting in obedience to the orders of the House, in preventing the plaintiff from entering Westminster-hall during the time of the Hastings trial. The Lords immediately took notice of the matter, and it was only upon an assurance that the action should be abandoned that the plaintiff was not committed to Newgate. In another instance, a justice of the peace proceeded criminally against a messenger of the House of Lords, and indicted him at the Middlesex Sessions for what he had done in obedience to the orders of the House. The Lords again immediately interposed and threatened to commit him to Newgate, and would have done so if he had not abandoned the prosecution. The House of Lords had invariably acted in this firm manner in support of the privileges necessary for the due discharge of the functions which belong to them. Hitherto, too, this House has done the same. When the proper time arrives, I undertake to bring forward many precedents to show the rigorous manner in which this House has acted in cases where Ministerial officers have violated its privileges. Meanwhile, I am decidedly of opinion that we have no other course to pursue than to agree to the motion of my noble Friend. It is said that this may bring us into collission with the House of Lords. Undoubtedly it will. It cannot be avoided; but the conflict is not of our seeking. We have done every thing in our power to avoid it. With very great deference to the character of the Lord Chief Justice, for whom I have the highest reverence, I must say that the conflict might have been avoided. We have done all in our power to prevent it; we have acted with forbearance and temper; we have done more, we have done what many hon. Members regret—we entered an appearance, and showed confidence in the judges, hoping that they would determine according to the principle of law, and to the precedents which had been set by those who previously presided in the courts of law. We have done our utmost to avoid the collission; but it now becomes inevitable. It must now be determined whether the House of Commons or the courts of law are to have the superiority. The House of Commons has now to determine whether all its privileges are to be at the beck of every judge, high or low, and of every court of common law, civil or criminal. One course that I apprehend may possibly be followed when the Sheriff comes to the bar, will be this:—The Sheriff still has the money in his hands—this court (for we are a court) may order him to retain the money, or to return it to Hansard. As the case now stands the Sheriff has to show cause against the rule, which I understand the Court of Queen's Bench has granted, why he should not pay the money over to Stockdale. Cause is to be shown on Saturday next. Now if the House should adopt the course to which I have referred the Sheriff will have it in his power to say to the court that the House of Commons, in vindication of its privileges, had ordered him to return the money to Mr. Hansard, because it was a violation of the privileges of the Commons of England that the execution should be levied. It may then be referred to the Court of Queen's Bench to say whether that is not a sufficient excuse. I apprehend that according to all precedent and all authority it must be held to be sufficient. Before such cause be shown I apprehend that, according to every authority and every rule of law, the rule now depending ought to be discharged. It may be said that the House of Commons in adopting the course now recommended to it is taking upon itself to overrule the Court of Queen's Bench. That is true. But, on the other hand, has not the Court of Queen's Bench been taking upon itself to overrule the Honse of Commons upon a matter of privilege? I admit that upon all general matters a resolution of the House cannot be held to be binding upon a court of law. But questions of privilege are distinct from all other matters; and as regards them, I maintain that a resolution of the House is binding upon a court of law, because the House is the sole judge of its own privileges. The right hon. and learned Member for Ripon mentioned that in the Amesbury case the Lords came to a decision against the privilege of the House of Commons. But in that case, the Lords had no judicial notice of the resolution passed by the Commons. The motion before the Lords was simply a motion in arrest of judgment; all that appeared before their Lordships was the declaration. No resolution of the House of Commons was presented to the House of Lords. They had to look only to the record, and the sole question for their determination was simply whether the action was maintainable. The Lords never have determined, and I hope never will determine, that the privileges of the House of Commons ought not to be regarded and respected. My humble opinion is, that we are bound to pursue the course pursued by my noble Friend. We come now to no resolution further than that the Sheriff shall be summoned. Every thing else is open to discussion. No hon. Member by voting for the present motion pledges himself to go one jot further. It will be afterwards open for consideration whether the Sheriff shall be committed or discharged, or whether, as a middle course, he shall merely be ordered to retain the money, or return it to Hansard. At all events, whatever ulterior course the House may pursue, I trust it will adopt the motion now submitted to it by a large majority.

Lord *Mahon* owned it appeared to him, that this proceeding was neither more nor less, than a first step towards an attack upon the judges. He thought, that no Member was entitled to vote for this motion, unless he was prepared for its necessary consequences—unless he was ready at some future opportunity to give his vote that the judges of the land should also be summoned to the bar of that House. Would the noble Lord the Secretary for the Colonies undertake to say, that such might not be one consequence of his motion, and that he himself might not be the person to move it? He would, therefore, entreat the House, before it ventured upon the first step, to reflect upon the final issue. He asked them whether the present feeling of the country was such as to render it politic or safe, to impair the reverence and authority due to the courts of law. When he looked to all the dangers with which they were surrounded, and to what he thought the greatest of all, that the spell of prescription had been broken, and the habit of obedience lost amidst so many legislative changes, he should well nigh despair of the destinies of his country, if he could not rely on the unshaken firmness and incorruptible integrity of the judges of England. It was no ordinary matter to tamper with that authority. It was no light thing to tell the people of this country, that they, their representatives, were prepared to set the example of resisting and of defying the eminent men who are sworn to administer the law. Did hon. Members entertain any doubt — did the Attorney-general, above all men, doubt that there were thousands and tens of thousands of misguided men who would readily follow that example? If the House was prepared to stand by the resolutions of May, 1837, and say that they were to be the sole authors of any privilege, or all the privileges they might think proper to claim—if they meant to say, that a majority, necessarily fluctuating and unsteady—a majority which was on one side of the House to-day, and perhaps might be on the other side to-morrow—was to crush and overbear the law of the land, he would ask what security could they give him against the very same principle being adopted by agitators out of doors to any doctrines which they might maintain to be upheld by a majority of the people? The Attorney-general had been pleased to say, that if they did not concur in the present motion, they would be almost guilty of treason. He scarcely thought, when he heard the hon. and learned Gentleman make that remark, that he could mean it seriously. It appeared to him, that the Attorney-general must for the moment have wandered from the scene before him back to Monmouth, in his imagination and recalled those painful events which, during the last few days, had so much engaged his attention. The Attorney-general, however, had also told the House, that if they rejected the present motion, they must be content with renouncing all their other privileges. He (Lord Mahon), had been surprised to hear the Attorney-general make use of that expression, for he could not doubt that the hon. and learned Gentleman had paid due attention to the sentence of the courts before which he pleaded. In giving the decision in the case of Stockdale and Hansard, there was an express disavowal on the part of the court of intending any attack on the other privileges of the House of Commons. Every one of the judges had carefully guarded himself against making the statement which the hon. and learned Gentleman had endeavoured to impute to them. Lord Denman said—

> "I do not know to whom the Attorney-general alluded, as disputing the existence of any parliamentary privilege. No such opinion has come under my notice. That Parliament enjoys privileges of the most important character, no person capable of the least reflection can doubt for a moment.

Some are common to both Houses, some peculiar to each; all are essential to the discharge of their functions."

In the same way, Mr. Justice Littledale observed—

> "There is no doubt about the right as exercised by the two Houses of Parliament, with regard to contempts or insults offered to the House, either within or without their walls; there is no doubt either as to the freedom of their Members from arrest, nor of their right to summon witnesses, to require the production of papers and records, and the right of printing documents for the use of the Members of the constitutional body, and as to any other thing which may appear to be necessary to carry on and conduct the great and important functions of their charge."

Could any thing be more explicit? In the same way, also Mr. Justice Patteson remarked—

> "Privileges, that is, immunities and safeguards, are necessary for the protection of the House of Commons in the exercise of its high functions. All the subjects of this realm have derived, are deriving, and I trust and believe will continue to derive, the greatest benefits from the exercise of those functions. All persons ought to be very tender in preserving to the House all privileges which may be necessary for their exercise."

And yet, after the opinions of the judges had been so decisively pronounced on the justice of maintaining Parliamentary privilege in all cases where it was necessary as the safeguard of Parliamentary rights, the Attorney-general rose in his place in Parliament and said that the privileges of that House would be sacrificed if it succumbed to the judgment which those high authorities had delivered Like those authorities, he (Lord Mahon), most readily admitted the existence and value of many high privileges of that House—he admitted the value of that freedom of speech which the right hon. Gentleman in the Chair claimed in the name of the House at the commencement of every Session—he admitted the value of the personal impunity of every Member, the value of that privilege that denounced the obstruction of any Member in the discharge of his duty, and the use of threats or intimidation towards them. These privileges were just and necessary—were just because they were necessary. He admitted, too, most fully the right of publishing and circulating among all the Members of their body any documents, the printing of which they might conceive to be conducive to the public interest. But was there any resemblance between those privileges, those ancient and valuable privileges, and that privilege which had only been assumed within the last five years, and which it was now endeavoured to press on them as an ancient privilege—the privilege of publishing and distributing for money any publications which they might choose to put forth? He maintained that there was no similarity between these cases, and he must denounce the attempt which was made to exercise this unheard of privilege in the present instance. On this question he was at issue with several Gentlemen whose opinions he much valued; but there were two or three points on which he could hardly conceive that any difference of opinion could exist. First, it was hopeless to enter on such a course of proceeding; for hon. Gentlemen would observe that this was but the commencement, and that the present motion was objected to, not so much on account of itself, as of the consequences to which it would lead, unless they had the support of an enlightened public opinion. It was impossible for the House to plunge into a contest with the judges of the land, unless the force of public opinion was on their side. This was the first position he maintained; the second was that public opinion, so far as it had been expressed, was decidedly and unequivocally against the present claim of the House. Wherever this question of privilege had been discussed out of doors, their claim had almost universally been mentioned in public meetings in terms of reprobation. The most influential portion of the press, both in London and the provinces, had raised its voice against it; the most distinguished men had spoken against it. In short, so far as the public had taken an interest in the subject, their opinion had been declared more decidedly against the claim of privilege than in the case of almost any public measure he could remember. If, then, the public support was essential to them in the present matter, and if it could not be denied, that the public were strongly adverse to them regarding this claim of privilege, as an unjustifiable aggression on the liberty of the subject, he asked the House if it were wise to persist, or if they would not do better to pause. He might refer on this point to the speech some time back pronounced by Mr. Sergeant Wilde, a speech which even a political opponent might be ashamed to allude to in any terms but those of respect. That hon. and learned Gentleman had said, indeed, that the House ought to maintain its claim of privilege, but that it could only be maintained by unanimity within the House, and the support of the majority without; and that if they had not that support, it would be better that the privilege should die a natural death, than that it should perish after a series of vain and ineffectual struggles. That Speech had been referred to by Gentlemen on the other side, and was acknowledged to concentrate all the arguments that could be adduced in favour of the Speaker's views. On that speech he (Lord Mahon) took his stand, and he would call on the House, in the words of Mr. Serjeant Wilde, to look well to the state of public feeling out of doors, and not to act in opposition to it. He would venture to say, if that House wished to stand, as he desired to see it stand, high in the estimation of the public, there was no subject on which they should touch more tenderly and warily than on that of privilege. On no subject ought they to be more cautious, for on none had greater abuses existed in former times. Were hon. Members who supported this motion, at all aware of the monstrous extent to which the doctrine of privilege had been carried in past times. There was not a more crying grievance in the history of this country than the extravagant extent to which in former times the privilege of that House were carried. They were exercised in such a manner from personal motives and for personal objects—as no Member in the present day could possibly approve of. If they referred to the journals they would find, that the cases were so numerous that, as Mr. Hallam had said, the only objection to giving a few was, lest it should be supposed, that they were exceptions to the rule, whereas on the contrary they were themselves, the rule and the common practice. From this great number he (Lord Mahon) would however venture to quote some. On the 20th of March, 1739, a complaint of Lord Galway was brought before the House, that several persons he named had entered his warren, and there killed a great number of rabbits in breach of the privileges of the House. Almost equally renowned was the case of Admiral Griffin's fish, March 16, 1759. On the 19th of January, 1740, the Earl of Barrymore, a Member of the House complained, "that in breach of the privileges of the House, certain persons had entered one of his farms and pulled down the fences." On the 2nd of April, 1733, Sir Robert Grosvenor complained of another breach of the privileges of the House, "that certain persons had dug several quantities of lead ore out of certain lead mines, part of the estate of Sir Robert Grosvenor." On March 6, 1723, Sir Samuel Lennard, a Member of the House, made complaint, "that an action at law for debt had been brought against one of the tenants of his estate by Edmund Goodwin; and on the 15th of April it was 'resolved, that Edmund Goodwin was guilty of a breach of privilege, and be ordered into the serjeant's custody.'" On January 22, 1729, Lord Viscount Palmerston, a Member of the House, made complaint, that a citation out of Doctor's Commons had been served on Thomas Cox, one of his menial servants. This case was referred to the committee of privileges, but they reported on the 11th of February, that the parties had "made their submission, and given satisfaction to the right hon. Henry Viscount Palmerston." It might be said, that these were cases of private grievance, and only affected one or two parties; it might be so, but he might quote others which affected the whole public. He would, therefore, refer to an order of the House, which was made on several occasions, as for instance on the 13th of April, 1738, that it was a high indignity, and a notorious breach of the privilege of the House, for any news-writer, or editor, to give any account of the debates of that House; and that if any person should be guilty of that offence, the House would proceed with the utmost severity against the offender. Was there any one who heard him that would say, that this unrescinded order of the House was a right one, and that it ought to be enforced? If, then, these privileges were capable of being carried to such a monstrous extreme, and applied as in former times, to selfish and sordid objects of personal advantage, was he not right in saying, though he entirely acquitted every one in the present case from entertaining any such motives, that the privilege now contended for was equally capable of being exercised oppressively, and that it was absolutely necessary the House should consider well the feelings of the public, and proceed cautiously and tenderly on this very rotten ground? It was very true, if they looked to the century before the last, it would be found, that those privileges which were afterwards used for personal and private objects were of great advantage to the cause of public liberty, and served as a means of resistance to arbitrary power. But they afterwards became of less utility as a public opinion gradually grew up, and the principles of a free and constitutional government became understood and acknowledged. Those privileges were, in short, very useful as the scaffolding for the construction of the fabric of a free state; but the building being once completed, they served only to obstruct and to deform it. Under the Tudors and the Stuarts, it was undoubtedly necessary to arm the House of Commons with every possible power, he would almost say with powers just or unjust, to resist the arbitrary power exercised on the part of the Crown. In the reign of Elizabeth, they found, that the House of Commons was reproved by the Sovereign in terms such as a master would scarcely use to a menial. Even so great a man as Lord Bacon, when he represented the metropolitan county, was obliged to beg pardon for merely giving his opinion on affairs of state, and expressed in contrition in words that might have suited a convicted felon at the Bar. Again, under James 1st, it was difficult to imagine the tyranny which was perpetrated towards the House. The Crown assumed the power of summoning any individual from his home, and his domestic affairs, and sending him on any office abroad, the Sovereign pleased. He did not know whether an appointment to office, in a distant colony would, at the present day, hold out equal terror amongst the Members of this House; but in the time of James 1st a destination to the colonies was regarded as a species of exile, and deterred many Members from the discharge of their duty. In periods like that, therefore, it was undoubtedly necessary to arm the House of Commons with privileges; and extraordinary as some of those privileges were, he was not prepared to say, that in their origin they were not required. But the circumstances of the times have changed. The objects for which privileges were in former days so jealously maintained no longer existed. The right of Supply and of annual meeting, are now a sufficient safeguard against the Crown. Privileges were not now required to guard the Members of the House of Commons from encroachment on the part of the Crown; but they were sought to be maintained for the purpose of being used against those who sent them there. He contended, that no man, and no body of men, had any right to be armed with a power of setting themselves above the law. But would they not be setting themselves above the law, if they assumed the privilege of publishing with impunity everything they pleased that came before them as evidence or as reports? In proportion as the privileges of Parliament had grown useless with regard to its constitutional object, a defence against the power of the Crown, for which it was at first devised, it was very remarkable, that in the same proportion had public opinion disapproved, and declared itself against it. The year 1679 was mentioned by Blackstone as the first in which the House had proper securities against the power of the Crown, and in which the British Constitution had attained the highest point of excellence. It was remarkable, that in the very next year the doctrine of privilege was pushed so far by the Commons, that Burnet strongly complained of the aggression. Bishop Burnet said of the year 1680, speaking only of one branch of privilege:—"In many places those for whom they sent their serjeant refused to come up. It was found that such practices were grounded on no law. While the House of Commons used that power gently, it was submitted to in respect to it. But now it grew to be so much extended, that many resolved not to submit to it." This related only to the practice "to bring up abhorrers as delinquents." In the progress of time, other testimonies were borne against the new fangled views of privilege by various writers and speakers. The very last composition that ever came from the pen of Swift, the "Legion Club," amidst a great deal of virulence and ribaldry, yet contained an energetic invective against the Irish Members of Parliament, as devoted to their own corporate interest—

> "Roaring till their lungs be spent,
> Privilege of Parliament!"

But on the present question only the last few days had brought to light a very remarkable authority in the publication of the last volumes of the Great Lord Chatham's papers. It appeared from them, that on the 9th of May, 1770, was held a meeting of the chiefs of the party then in opposition, and amongst the principal sentiments there expressed and embodied he found the following. It was there called "Mr. Cavendish's Creed." The words were; "I do from my soul detest and abjure, as unconstitutional and illegal, that abominable doctrine and position, that a resolution of the House of Commons can make, alter, suspend, and abrogate or annihilate the law of the land." Here, then, was the sentiment framed and supported in 1770 by such eminent statesmen as Mr. Burke, Mr. George Grenville, and Sir George Saville (all whose names were expressly mentioned), and applauded by Lord Chatham from his honoured retirement at Hayes. Encouraged, then, by the authority of these great men, he should take up his position upon the grounds on which they stood, and he would now say, that "he did from his soul detest and abjure, as unconstitutional and illegal, that abominable doctrine and position, that a resolution of the House of Commons could make, alter, suspend, abrogate, or annihilate the law of the land." With respect to the present privilege, namely, that of publication, it seemed to him, that a great deal of fallacy—he did not allude to what had passed on the present, but on a former evening—pervaded the speech of the noble Lord, the Member for Stroud. The noble Lord had talked a great deal about our ancient and venerable privileges. Now, the privilege which the House was at that moment particularly discussing was founded on a resolution passed so lately as the 30th of August, 1835, authorising the sale of all papers and reports published by that House—a resolution which ordered, that all such publications should be furnished, not only to all Members of that House, but also to all persons who should pay the stipulated price for them. That was the position of the House at that moment; and he cordially subscribed to the position of his right hon. and learned Friend, the Member for Ripon, which he had brought before the notice of the select committee, though he did not move it formally as a resolution—namely, that the foundation of all their present proceedings should be rescinded, meaning thereby the resolution of the House respecting the sale of printed papers. It was true, as his right hon. and learned Friend had stated, and as Lord Denman had afterwards explained in giving his judgment, that the sale was not necessary to make, and did not make, a publication. Nevertheless it could not be denied, that all their present practical inconvenience had arisen out of the resolution of sale. Could there be a better proof of it than this—that for many years before it was passed, the House had proceeded quietly and regularly, but that as soon as the sale was permitted the House was involved in all this serious entanglement and annoyance? He, therefore, agreed with his right hon. and learned Friend, the Member for Ripon, that the present inconvenience had arisen out of the resolution of sale. We must, therefore, do one of these two things; we must either rescind the resolution, or take some immediate and effective steps to prevent improper publications on the part of the House. He recollected well, that his noble Friend, the Member for Northumberland on a former occasion, had said, that care was already taken upon that point. His noble Friend, in proof of his assertion, had quoted what had occurred in the printing of the report of the committee on the state of the aborigines in New Zealand. [Lord *Howick:* "No, no!"] He begged pardon—the report of the committee on transportation. ["*Hear!*" from Lord Howick.] His noble Friend stated, that he belonged to that committee, and that, on reading over the minutes taken before it, he took care that several passages should be expunged, so that there was no ground of complaint from private individuals on account of injury done either to their feelings or to their characters. He thought, that the laudable example set by his noble Friend should be followed on every similar occasion. Was it not requisite, he would ask, that some such care should be taken? We publish in one Session what would take us at least five Sessions to read. We have cart-loads of blue rubbish wheeled into our rooms every year, which it is quite impossible for human endurance to wade through; and he now gave it as his deliberate opinion, that much of it might be dispensed with, as not at all required for the information of the House. But it had been said, that the House was bound in duty to its constituents to afford them full information upon all the steps upon which it came to any certain conclusions. It had been said, that hon. Members formed certain opinions—that they were responsible to their constituents for those opinions—and that it was most desirable, that upon all those opinions their constituents should have the fullest information. Now there was in point to this one case, to which he thought that the House had not hitherto paid sufficient attention, and that was the case of select committees. Select committees stood to that House exactly in the same relation in which that House stood to the country. Now, in the case of select committees, every publication which emanated from them previous to the presentation of their report was regularly headed by these words—

> "Great inconvenience having arisen from the publication of minutes of evidence taken before committees, and of papers, &c, laid before them, it is particularly requested, that Members receiving such minutes and papers will be careful that they are confined to the object for which they are printed—the special use of the members of such committees."

Why might not the House apply to the publications which it sent forth to the country the same rule which the select committees applied to Members of that House? But then it was said, that this precaution was only temporary, as at the end of the examination the select committees gave the whole of the evidence to the House. If that were so, then let the noble Lord, the Member for Stroud, reconcile the practice, if he could, with the conduct pursued by his noble Friend, the Member for Northumberland, who had expunged from the evidence everything calculated to wound the feelings or injure the character of private individuals. If his noble Friend's conduct were correct, then might the House expunge from all its publications all passages having a similar tendency. On these grounds, then, he entertained great doubts whether the resolution of sale was for the advantage of the country. But this argument did not rest upon this point alone. If it were desirable, that they should protect their own publications, let them do so by Act of Parliament, by an act of legislation, in a fit and constitutional method, but not by inviting subordinate officers to break their sworn duty, or by punishing them for performing it. To any resolution that should have the effect of setting privilege above law he was prepared to offer his most determined opposition. To such a resolution he hoped, that the House would never become a party. The hon. and learned Attorney-general had said, that the resolution only went to the length of summoning Mr. Stockdale and the sheriff's to the bar, and that upon hearing what they had to allege the House might dismiss them. But there was another alternative—the House might punish them. This then was the first step in a course of which no man could foresee the end. This was the first act of hostility against the independence of the judges, an act which he never would believe that the House would sanction until he saw it with his own eyes. He confessed he did feel strongly on this question. He was desirous, that the House should stand high in the estimation of the country, and he did not think, that they had raised their character of late years by their use or abuse of their ancient privileges. If he were called upon to name the most prominent feeling of the age, not only here in England, but throughout Europe, he should say it was this—that no man, and no body of men should be allowed to set themselves above the law. And did they think, that they could possibly arrest this torrent of popular feeling? Let it not be said, that after all our past labours and struggles in the cause of constitutional freedom—after having won the Habeas Corpus—and the Bill of Rights—after tyranny had been expelled from the castles of the feudal barons, and the palace of the Stuart kings—that she had found her last refuge and shelter within the walls of a reformed House of Commons. It was with deep regret, that on this occasion he differed from several of his right hon. Friends, for whose authority he had the highest respect, but he felt bound by his duty to his constituents, and to that still higher tribunal, his own conscience, to resist the attempt of erecting the House of Commons into a new and a worse court of Star-chamber.

Mr. *Cresswell* wished to say a few words with a view to state on what ground it was he should oppose the motion of the noble Lord. If he understood the grounds upon which the noble Lord proceeded, they were these: that the judges had no jurisdiction, that they could not lawfully give a judgment in the cause, and that, therefore, there was no lawful ground for that which the sheriffs were doing. If this were so, then in his (Mr. Cresswell's) opinion, if any person ought to be called before the House, it ought to be the judges who pronounced the judgment upon which the sheriff was acting. The hon. Gentleman, the Attorney-general, was mistaken when he said that the judges had not had notice. The petition stated that they had notice; that application was made to them to prevent the return of the writ. The act of the jury was in execution of the writ of the judges, and therefore they had notice, they had proceeded after that notice, and they had adopted the proceedings of the other parties. The judges, then, were the real parties. The House would call before them the sheriff, but they shrunk from calling before them those who gave the authority to the sheriff. It was one of the worst positions in which the House could stand. Blame had been cast upon Mr. Justice Littledale, because he would not allow the justification to be pleaded; but they went to trial, they submitted the question to the consideration of the judges; and it was not till after an opinion had been given against them that they opposed the court. That was the way in which the House sought to elevate itself in public opinion. It was like consenting to an arbitration, and then, when the award was against them, turning round and objecting to the references. He regretted that the hon. and learned Attorney-general had brought so grave a charge against the admirable judge who presided over the Court of Queen's Bench; for if there was a fault any where, it was the fault of the Attorney-general that had involved the House. Lord Denman would have shrunk from his duty, if he had not given his opinion on the question involved in the cause brought before him. There were two questions in that cause. The first was, whether the publication were true or not, and that was found for the defendant; and the second was, under the general issue, whether it might be made the subject of an action. It would have been sufficient if they had proved that the publication was made upon a lawful occasion, for if there was no criminal intention there would be no libel; if it had been said that the publication was made on a lawful occasion, it would rebut the inference of malice, and therefore there was no libel. But this was not privilege, it was the law of the land. He would put the case of a merchant who was about to engage a confidential clerk. If any person believed that he was a swindler, he might write his opinion in a confidential manner to his friend; and although his representation were untrue, yet he would not be responsible, provided he made the communication fairly and honestly. Suppose, again, that a representation should be made to the Secretary of State that the person he was about to appoint to the magistracy had been guilty of tumultuous proceedings, had been guilty of sedition, or had libelled his neighbours—still that might be written to the Secretary of State, because it was for the public good. That was an occasion which would justify the publication, and it was no libel. But the Attorney-general was not content with this. He said the House of Commons has authorised what has been done, and therefore it is legal. He defied the Attorney-general to prove that proposition. Lord Denman repudiated the doctrine. The House of Commons took offence upon that occasion, a discussion took place, and the resolutions were passed which he was happy he did not agree with. Another action was brought. An opportunity was given to Mr. Stockdale to become a martyr, and he was too good a judge not to avail himself of it. The House had passed a resolution, that any court which should entertain an action was guilty of a breach of its privileges: but the very House that passed that resolution made an order that the Attorney-general should plead for Mr. Hansard to that fresh action. What was the form of the plea? It was not to the jurisdiction of the court. They came in and defended what they had done, and put themselves upon the judgment of the court; they, in fact, told the court that it was not to decide against them. If the opinion of the court was against them, did the Attorney-general still say that it was to decide for them? Or, when that opinion was against them, was the court not to decide at all? The court did decide against them. The court heard the argument—it gave judgment against them. How could a contempt be more complete? Why did they not send for the judges? No—they paid the money. Mr. Stockdale brought another action. They did not say then that they would oppose it, but they admitted on the record that Mr. Hansard had, without an excuse, published a libel upon Stockdale. They did not say any thing in answer to the action, and so they admitted the allegation to be true. [Lord John *Russell:* No.] The noble Lord said "no," but the noble Lord was not a judge of the land; and till he heard from one of the judges to the contrary, he must believe that where there was no plea on the record, the defendant admitted the charge to be true. Perhaps the Attorney-general would set the noble Lord right upon that point. When they had admitted this, there was nothing left but an inquiry into the extent of the injury which had been sustained by a libel which had been published without justification or excuse. The judges had their notice that the House of Commons had ordered them not to proceed further with the action. Was there a single instance in which the House of Commons had ordered a court not to proceed in an action? No. Was there a single instance in which the House had successfully stopped an action? No. Would they be able to stop the present action? They might send to the sheriff, and tell him not to pay the money or they would send him to Newgate; they might send the sheriff to Newgate; but would they stop the action? The judges would tell him, if he did not pay the money they would send him to prison: so that he would be like the flying fish, equally unsafe in the air or the water. On these grounds he resisted the present motion. He believed that there was no instance of the House intercepting the progress of an action brought before a court of justice, except the instance quoted by the Attorney-general, where the House of Lords sent for the judge of the Court of Requests because an action was brought for an umbrella deposited in the House. They threatened to send the judge to Newgate, but plaintiff proceeded no further; for rather than go to Newgate he consented to forfeit his 7*s.* 6*d.* If the Attorney-general cited that case one way, he (Mr. Creswell) would cite the payment of the money to Mr. Stockdale the other. What were the precedents? That were a commitment was made by a court of competent jurisdiction, no other court had the power of inquiring into the validity of the commitment. The decisions did not make the power right, but it made the power binding. Mr. Justice Holroyd, in the case already referred to, had particularly stated that where a judge of oyer and terminer had, for a trespass, recorded a felony, the party had no remedy. That showed, that where there was a judgment of a court of competent jurisdiction, there could be no inquiry into the validity of that judgment. That was the reason why their committal could not be questioned after it was made, though the judgment were erroneous; and if it were unreversed by error or appeal, it was binding. If, then, the House proceeded to committal, he agreed that there could be no interference, and there would be no responsibility, save such as they owed to the country for misdeeds. Why, however, should they commit? If they investigated the cases, they would find twenty in which the courts had entertained and decided the question of privilege. What did the Attorney-general say to the case of Burdett *v.* Abbott? Did not the court entertain the question in that case? Take again the case decided by Sir Orlando Bridgeman. The question was, whether a Member was privileged from suit as well as from arrest. The judges decided that the privilege extended to the person, and not to the suit. The judges, then, did entertain and decide a question of privilege. Again, he found in the argument of the Attorney-general himself, in the case of Stockdale *v.* Hansard, that the Parliament could not claim a new privilege. How could the judges ascertain what was a new privilege? Surely by means of inquiry. Where the question of privilege arose incidentally, they must entertain it and inquire into it. They had the power, and they had exercised it. The Attorney-general had not shown any good ground for this proceeding, and in his (Mr. Cresswell's) opinion it was too late now to interfere; but if they called any one before them they ought to call those who had issued the order, and not those who had been compelled to execute it.

Sir *Robert Peel* said that it was important the House should clearly understand the position in which they stood with respect to this question, not that he meant thereby to bind their judgment, but because it was necessary that they should be aware of the course which they themselves had taken. In the year 1837, a committee was appointed by that House, composed of many of the most eminent legal authorities in it; that Committee united the hon. and learned Member for Edinburgh (the Attorney-General), Mr. Sergeant Wilde, his hon. and learned friend the Member for Huntingdon (the Attorney-General under the last Government), and his hon. friend the Solicitor-General under the same Government. That Committee, with one exception, came to the unanimous opinion that the House had the privilege, and that it was the sole judge of its own privilege. When that report was made by the Committee, the House of Commons confirmed it by resolution. A second action was then brought by Mr. Stockdale, and certainly to his regret an appearance was entered to the action. He thought that it would have been better for the House of Commons at once to have assumed the vindication of its own privileges, and not to have permitted them to be adjudicated upon by any Court of justice. He admitted, however, that it was a question of great difficulty, and he deferred to the Attorney-General, who thought it better to plead to the action. That step, he owned, he regretted at the time, and he even then predicted what would be the result. The question then arose, whether, having pleaded to the action, the House ought to prevent the execution of the judgment, and he had concurred in opinion with the noble Lord opposite (Lord J. Russell), that having submitted to the arbitration of the Court of Queen's Bench, there would be some inconsistency, and some injustice, when that Court had decided against them, in opposing the execution of the judgment. So great, however, was the eagerness then on the part of the House to vindicate their privileges, that there was great difficulty in inculcating forbearance upon that occasion. Notwithstanding the agreement of the chiefs of the opposite political parties in the House, the milder course was only carried by a narrow majority of twenty-two. The numbers were—188 to 166; so difficult was it, after hearing the speech of Mr. Sergeant Wilde, to persuade the House not to proceed to the immediate vindication of its privileges. In the course of the las session the damages were paid, he would not say with the consent, but without the opposition of the House. After all the discussion he was persuaded, and he had fully predicted, that there would arise a difficulty in the course which had been adopted. Their printer then received a notice from an attorney acting for a person named Polack, that notwithstanding the resolutions of the House, he was determined to bring an action against Messrs. Hansard, and it became necessary to determine what course the House would pursue. The noble Lord opposite thereupon proposed the following resolutions:—

> "1. That Messrs. Hansard, in printing and publishing a report and minutes of evidence on the present state of the Islands of New Zealand, communicated by the House of Lords to this House on the 7th of August, 1838, acted under the orders of this House: and that to bring or assist in bringing any action against them for such publication, would be a breach of the privileges of this House: and 2. That Messrs. Hansard be directed not to answer the letter of Charles Shaw, mentioned in their petition, and not to take any step towards defending the action with which they are threatened in the said letter."

These two resolutions were carried, with a full knowledge of all that had previously taken place, by a majority of 120 to four. After the termination of the session, Mr. Stockdale, being aware, as they were all aware, of the incompleteness of the powers of the House, brought another action against Messrs. Hansard—a third action, for the publication of the very libel which had been the subject of the preceding action.—Messrs. Hansard did not rely on what the House had done in the case of Polack, although the principle laid down in the case of Polack was precisely applicable to the case of Stockdale. Messrs. Hansard applied for advice to the highest authority in that House, they applied to the Speaker, and the Speaker, concluding that the House intended to abide by the principle which had been laid down in the case of Polack, and which was carried by the majority of 120 to four, naturally and justly advised Messrs. Hansard not to enter an appearance to the action. Messrs Hansard acted upon that advice, and Messrs. Hansard (their officers) had been subjected to the penalty of 600l. for acting under the authority of the Speaker intermediately; but, as it appeared to him (Sir R. Peel), really under the authority of the House. If the House had received the same notice in the case of Stockdale as in the case of Polack, could there be a doubt that they would have affirmed the same principle? He begged them, therefore, to consider the position in which the House of Commons was placed. What was the course, then, that the House of Commons ought to take with regard to this action? And he only regretted that the legal difficulties opposed to the course proposed had not been stated months ago, before this action had arisen, and that they had been reserved for the moment when they were called upon to perform their duty. What then was the course suggested? Should they abandon their privileges? If they permitted the sheriff to pay Stockdale the damages which the jury had awarded, what would be the next step? They could not prevent Stockdale from instituting another action, if they once admitted, that one of their officers was liable in any court of law to an action, civil or criminal, for performing his duty to them. He apprehended that such would be the natural consequence, unless they took notice of the present proceeding. Had they any privileges? Were they the judges of those privileges? Those were the questions. Had they any privileges? His noble Friend (Viscount Mahon) said, that in times gone by their privileges had been abused. That might be, but that was not the question here. Had they any privileges, and if they had, who were the judges of them? His noble Friend admitted one certain privilege, the privilege of publishing for the use of the Members of the House; that was a great concession for his noble Friend to make. Who, then, were to be the judges of the exercise of that very privilege? He took the concession that they possessed the privilege; who were to judge of its exercise? He presumed that his noble Friend would admit, that if the privilege was to be available to the House, the House must judge of its exercise He assumed, that this was the only privilege they possessed. Of what avail would it be, unless the House were exclusive judges of the proper use? Suppose the Queen's Bench should say, that they had improperly exercised this privilege which his noble Friend admitted they possessed, what course would the House take? Suppose they should proceed by resolution to declare that the House had the privilege, and that they themselves were the exclusive judges of their privileges. These resolutions would be condemned as impious and heretical, and some one might declare, that he did absolutely abhor, detest, and abjure the impious doctrine that a resolution of the House of Commons can contravene the law of the land. That disclaimer was equally applicable to the resolution enforcing the privilege which his noble Friend admitted they did possess, as to the resolution on the privilege of publication. There were no means of enforcing any privilege except by resolution. If the Queen's Bench should disregard their resolution by giving damages against them, how were they to proceed except by committing the sheriff or other ministerial officer? His noble Friend said, that they had added the power of sale to their old privilege. He was ready to admit, that the use of the power of sale had raised some prejudice against them in the public mind. He thought, that it was difficult to persuade the public, that there was not a material distinction between the two kinds of publication. It might be a question of policy whether they should adhere to the sale, but it could be a question of policy only, and did not enter into the present discussion. Observe, the Queen's Bench had determined that, as far as legal considerations were involved, the question of sale did not arise. It might be said by his noble Friend, that it was desirable to revert to the state of things which formerly existed—to revert to the same state as they were in seven or eight years ago. If they did this tomorrow, how would it affect them with respect to the case of Stockdale? He presumed, that the Court of Queen's Bench lived in a higher atmosphere—that it was above being affected by any prejudice which might exist in the public mind—and that it would determine the question as one of principle; and was it not clear that the court would enter upon its consideration, not as to whether they thought the House had acted unwisely, but as lawyers—so that if they gave up the sale, it would not be admitted that the Queen's Bench had no right to question their privilege. And what was the present publication? It consisted of inquiries into the state of gaols. It was proposed to introduce some new regulation to cure the abuses existing in prisons. As an instance of these abuses, it was stated that the prisoners were in possession of publications which, pretending to be scientific, were calculated to injure the minds of the prisoners. If this were true, was it not a material fact. His noble Friend, said, that they might make a publication of the fact for their own use. Had his noble Friend considered the difficulty of confining it to their own use; had he considered the difficulty of not communicating it to their constituents? If a

Member in possession of such papers should in any manner communicate their contents to any other person, the question would immediately arise; if the Court of Queen's Bench should determine, that the Member had been a little too free in the use of his papers, even by communicating them to a constituent, the very question which they had now to consider would then arise. Therefore, his noble Friend's doctrine that the House might publish the papers for their own use, unless he would also admit, that the House were to be exclusive judges of the exercise of their own privileges, would be of no avail. If he admitted the question of a conflicting jurisdiction, the present question would arise. Therefore, if they felt that they had inadvertently committed themselves by their proceedings, if they felt that upon the whole it would be the wisest course to recede, however painful it might be, they ought to withdraw from a justification of their own proceedings. But he (Sir R. Peel) firmly believed, that this privilege of publication was essential to the House in order to enable it to perform its duties. He did not conceive, that they could act as a House of Commons unless they had the power of publishing, not only for their own use, but for the information of the public, what they considered necessary. He had discussed the subject in the belief that to the House of Commons the power of publication was necessary. For instance, they had the power of addressing the Crown for the removal of a judge. They might be called upon to decide a question which the House of Commons had been called upon in former times to decide, the succession to the Crown. How could they address the Crown for a removal of a judge for misconduct, without first satisfying the public mind that their decision upon such conduct was correct? Could it be possible for the House of Commons to set aside the claims of a Duke of York, without convincing the public mind that danger existed if he should ascend the Throne? There were, therefore, many questions of legislation on which it was essential that the public mind should be informed, as well as the Members of that House, and he must maintain, that the power of publication was necessary for them as a House of Commons. Then it had been distinctly admitted by the judges that whatever functions were necessary for the House of Commons in the performance of its duty the House of Commons did possess. He believed, that the privilege of publication was necessary to enable the House of Commons to discharge its duties, and as at present advised, he was ready to take the step which the noble Lord opposite proposed. At the same time he was quite aware of the imperfection of the power which they possessed. He was aware that their power was perfect only whilst Parliament was sitting. Here was an instance of the imperfection. Mr. Stockdale waited till after the Parliament was up, and then instituted the present action. The natural presumption had hitherto been, that the courts of law would assist the House under such circumstances; but a case had unfortunately arisen in which the House was deprived of that assistance. When they were deprived of the assistance of the courts, they were forcibly reminded of the imperfection of the powers of the House. His hon. and learned Friend, the Member for Liverpool (Mr. Cresswell), had asked why they did not commit the judges. There were professional and technical matters with which he was unacquainted, but it might be improper to commit the judge, and the proper course was to commit the ministerial officer. They should strive, as far as they could, to prevent the recovery of these damages, and he thought, also, that the analogy which had been drawn with respect to the courts of law was in some respeets supported by the view which he had taken upon the subject. He would ask the House to suppose a case. Let them suppose that the Court of Queen's Bench should persevere in issuing a process in opposition to an injunction of the Court of Chancery. This would be a case of conflicting jurisdictions which the law could not foresee, and what would be the course to be pursued by the Court of Chancery? Would they commit the judges of the Court of Queen's Bench? He thought that they would not, but that they would direct their offensive proceedings against the officer of that court. He was always ready to admit, that the efficacy of proceedings of the kind now necessary to be taken consisted in unanimity, or rather in the prevailing and general determination of the House to enforce its privileges. With regard to the measures which must be taken to rescue Parliament from its present position, he was not prepared to give any opinion on that point. That something must be done he fully believed, and he was convinced, that there must be some arrangement made with respect to the insufficiency of their powers in reference to the courts of law, because it was perfectly evident, that during the recess, when the House was not sitting, those powers were incomplete. He would not give any opinion as to the course which was proper to be pursued, but he would point out, that the sheriff had expected that they would endeavour to maintain their own privileges, and had given them an opportunity of interfering —that he had believed, that they possessed strong feelings on this point, and that they would, therefore, interpose their authority in reference to the subject. They were bound then to assist that officer as far as they could; and admitting, as he did, that their powers were incomplete, he yet hoped that they would exercise them to the fullest extent, and he should most sincerely regret any interruption which might have the effect of thwarting them in the object which they had in view. Whatever might be the result of this case, however, he must express his firm belief, that the privilege of free publication was essential to the performance of their duties as a deliberative assembly, and as one of the branches of the constitution of this country.

Mr. *Fitz Roy Kelly* would not have risen to address the House upon this occasion but for some observations which had fallen from the hon. and learned Attorney-general, in answer to which he felt called upon to say a few words. The hon. and learned Gentleman had asked whether, if they submitted themselves to the Court of Queen's Bench on this occasion—if they recognised the jurisdiction and the power of that court to entertain the question of their privileges, they must not, in like manner, admit the same jurisdiction and the same power to exist in every court, of whatever character or rank, which could entertain an action of libel? He was prepared to admit that proposition as correct, but he contended that, a defendant having once recognised the authority of any court, by answering to an action commenced in it, could not object to the cause being decided, and that it was the bounden and imperative duty of the judge who presided in the court to pronounce judgment in favour of the plaintiff, provided the circumstances which appeared before him showed that he was entitled to such a termination of the suit in his favour. Suppose a defendant in an action for a malicious libel, set up, as a defence, that it was not malicious, and that it was not the subject of an action, for that it was privileged and protected by an order of the House of Commons; he would ask whether, in such a case, it would not be the duty of the judge to conduct the cause to a conclusion in the ordinary course? It was impossible to suppose that he could refuse to entertain the suit, and, having once entertained it, he was bound to give some decision upon it, more especially when the right of the court, over which he presided, to interfere was admitted by the defendant. That was a proposition which could not be contravened, and the evil which existed in cases of this description could only be removed by a binding enactment of the Legislature. The right hon. Baronet, the Member for Tamworth, had said, that this House had hitherto naturally looked to the courts of law to defend the privileges which its Members enjoyed. He agreed that it was the duty of those courts to protect and defend the exercise of the privileges of that House, but he would take the liberty of asking how they could defend and protect those privileges, unless they had the means afforded them of ascertaining what they were? When he said this, however, he did not mean to admit, that the courts in Westminster-hall had ever forsaken the duty which they owed to Parliament, but, on the contrary, he must say, that they had invariably exerted themselves in the maintenance of those rights, and that it was to them, rather than to the House itself, that the House should attribute the continued existence of many of the privileges, to the support of which they were entitled. Referring to the privilege of freedom from arrest, they would see that the first cases which arose upon this subject came before the courts of law at periods when they could not be entertained by the House; and he would ask whether those courts had ever been backward in refusing to afford that protection to which hon. Members were undoubtedly entitled? They had not; and it was to the exercise of their power that the House was mainly indebted, not only for the maintenance of their privileges, but also for the high estimation in which those privileges were held by the country. Questions had been proposed in the course of the debate as to the course which was intended to be pursued; but whatever mode of dealing with the case might be adopted, he hoped that the Messrs. Hansard, having acted under the orders of the House, would be fully protected and indemnified. When the proper time came, he should propose an amendment to any resolution which might be laid before the House to that effect, and he should further venture to suggest, for the future government of any person who might be engaged in the perilous office of obeying the commands of the House, that in any case which might hereafter arise, the course which had been always hitherto pursued might be adopted, and that the hon. and learned Attorney-general might be instructed to defend the action, and afterwards report upon the subject to the House. That had been done in all previous cases, and in Burdett *v.* Abbott, where not the printer or the publisher was sued, but where the distinguished individual who held the office of Speaker of that House was made defendant in an action, he appeared by the Attorney-general and defended it, under the direction and by the authority of that House. Instead of sending for the sheriff, and committing him, Mr. Abbott put himself on the law of his country, and by the law he was delivered from the charge made against him. And he begged to remind the House that that case was carried by a writ of error to the House of Lords. The House of Commons appeared there by the Attorney-general, and having put itself on its privileges it was determined, as the Court of Queen's Bench had already determined, that the conduct of their Speaker was justified. In conclusion he begged to inquire whether the hon. and learned Attorney-general, in saying that the Court of Queen's Bench had come to a wrong conclusion, so expressed himself with sincerity? If he were really sincere, then he said, let him bring a writ of error in order that the question might be fairly decided. He hoped, as the time was not passed when this might be done, that a writ of error would yet be brought, and that the privileges of that House might be sustained, as they had hitherto been, by the legal and constitutional tribunals of the country.

Lord *John Russell* had hoped that the motion which he had made would have been assented to by the House, reserving the general discussion of this subject to the time when the parties should appear at the bar. The debate that evening had been of a very general character, but there were one or two observations which had been made which he could not omit to notice. The noble Lord (Lord Mahon) had spoken of this question as if it were a subject agitated only five years ago for the first time, on which it was now intended to found some new proceeding; and had said that they were going against the opinions expressed by the judges of the courts of law. Now, he considered both these assertions to be entirely erroneous. First, with regard to the privilege of printing and publishing the papers connected with the proceedings of that House; before the revolution of 1688, the votes of the House were printed and published by the authority of the Speaker, with the evident intention of appealing to the people as to the conduct of the House of Commons; and the very first act after that, was the printing and publishing the Declaration of Rights, in which the House of Commons of that day appealed to the people for their support in that extraordinary crisis. The House of Commons subsequently continued to print their votes and papers, and, for a considerable time during the last century, about 240*l.* a-year were regularly received by the Speaker in respect of the profit arising from their sale. The House had an undoubted right to alter the practice in this regard; and the matter of printing their papers was entirely in their discretion; but in making any alteration they had never said, and there was no assertion that the right of sale had been disputed, and that the House had abandoned the right because it was disputed, or that that right was declared not to exist by any court of law. In reference to the decisions which had been given by the judges of the courts of justice, the argument of the hon. and learned Attorney-general distinctly showed that the suggestion thrown out was unfounded. With regard to this subject, he should read one or two sentences from the judgment given in the case by Lord Denman, when it was argued in the Court of Queen's Bench. That judgment, in many respects, conveyed a censure upon the decisions of former judges, upon this very question of privilege, and he contended that this showed two things; first, that the unanimous decisions of judges in courts of justice were not always to be depended upon; and, secondly, that he was certainly not liable to the imputation which the hon. Member for Oxford had brought against him, of speaking with unusual disrespect of the judges. In allusion to the well known case of Brass Crosby, Lord Mayor of London, Lord Denman said,—

"The Lord Mayor had manifestly committed a breach of privilege: the grounds of it are fully set out in the Speaker's warrant. Nothing could, therefore, be less needful or less judicial than the wide assertion of privilege that was volunteered by the Chief Justice. Yet, after all that he said respecting the indefinite powers of Parliament, his decision rests on the simple ground that all courts have power to commit for contempt."

In allusion to the judgment of Sir William Blackstone, Lord Denman said,—

"It must be confessed that his remarks on the state of public feeling rather evince the spirit of a political partisan, than the calmness and independence which become the judicial seat."

In allusion to two other cases he said,—

"I do believe, that if the court had deliberated and paused, they would have employed more cautious language, and abstained from laying down premises so much wider than their conclusion required. Lord Ellinborough, when pressed with their authority, distinctly refused to bow to it, corrected some phrases ascribed to several judges in the reports of both cases, and placed a limitation on the doctrines laid down by Chief Justice de Grey, without which it would have yielded to either House of Parliament the same arbitrary power over men's liberty, that the doctrine of ship-money would have lodged in the Crown over their property."

Let not the hon. Member for Oxford, therefore, tell him, that he was the only person who spoke irreverently of the opinion of the judges. He had never said anything equal to this. Lord Denman then went on to quote Lord Kenyon's opinion, which he said,—

"Was extra-judicial, and is open to investigation. The proposition asserted by him was, that no proceeding of either House of Parliament could be a libel. But with the highest reverence for that most learned judge, I must be allowed to observe, that he here confounds the nature of the composition with the occasion of publishing it."

Lord Denman then proceeded to remark further on the judgment to which he was alluding, and expressing his entire dissent from the opinion expressed in favour of the privileges of the House of Commons—he concluded by saying, in reference to a subject immediately before-mentioned,—

"This inconsistency in a person of Lord Kenyon's wonderful acuteness, as well as other inaccuracies, make one regret that the judgment was not more deliberately prepared. It was given on the instant, not in a full court, not after hearing both sides. It bears marks of haste, and, we cannot deny, of the excitement and inflammation which belonged to the extraordinary times in which it occurred."

He had the authority of Lord Denman for saying, then, that the opinion of a learned judge might be given sometimes "in the spirit of a political partisan," and sometimes bearing "marks of haste and of excitement," and that the opinions themselves were very often "extra judicial;" and worst of all, that the opinion given in the case decided by Chief Justice De Grey "would have yielded to Parliament the same arbitrary power over men's liberty, that the doctrine of ship-money would have lodged in the Crown over their property." Then, if the judges made these extraordinary mistakes, he must say, that he doubted the propriety of leaving all these questions of privilege to the decision of men who might be influenced by such feelings as he had alluded to. But there were other matters of very grave importance involved in this question. He had endeavoured to show, that the practice of Parliament, the determination of the House of Commons, since the glorious period of the Revolution, and the opinions expressed by the learned judges in conformity with that practice and that determination, had acknowledged the right of publication; but, then, there was a further question of whether they could give way in this matter of privilege; and, if not, in what manner they could assert their right? With respect to the first point he must say, that he thought, that if they were at once to abandon it, and to assent to the doctrine that their privileges were hereafter to be judged of by the courts of law, they must not lull themselves into the belief that the judges would in future cases extend the limited view of privilege which had been recently declared, because much of the ground of the judgment in the cases which they were then considering, would go to other cases and would deeply affect other privileges It was said, "No doubt you have the power of publication, but you should not exceed it;" but that was the way in which the very privilege which they had of freedom of speech in Parliament was contravened, and denied by the judges of King Charles's time. They did not say, that hon. Members must not speak in Parliament, and must not carry on their proceedings there; but they made the limitation, that a man could not be made to answer out of Parliament, for what occurred in Parliament. It was stated by the Chief Justice, and it was an argument which had great weight, and great popular force, that no doubt the House of Commons might order any one, if it pleased, to print anything which they might choose, but that no one was to be injured by any libellous and calumniating matter which might be so printed. There were often criminating statements made in debate in that House. An inquiry took place in a former House with regard to the Duke of York; but what if the judges had said that it was quite competent for the House to state the matters which then came out relating to any person whom they might wish to accuse, but that if they admitted strangers into the gallery, and permitted slanders to be spoken in their presence, the courts of law had jurisdiction, and must restrain them in the exercise of the right which they possessed? He did not see why, if the courts of law could interfere with the privilege of publication, they could not also interfere with that of freedom of speech, and those other privileges which had been alluded to. With regard to the manner of asserting their privilege, without entering into the question of what might be done hereafter, he thought that they should first assent to the measures which had been already adopted. The opinions which had been given in that House during the present debate, served the more to confirm him as regarded this course. A right hon. Gentleman early in the evening had contended, that no person had the least right to any damages under circumstances such as those which were now in question, but when damages were awarded, whether the amount was 100*l*. in the first instance, 600*l*. in the next, 1,000*l*. in the next, and so on to any amount which a jury might think proper to award; then, he contended (and in this, the hon. and learned Gentleman who spoke last coincided with him), this House ought to reimburse the party for any loss occasioned by such damages having been awarded. In like manner, the hon. and learned Gentleman had contended the Messrs. Hansard ought to be reimbursed by this House the amount lost by them in consequence of such damages having been given by the jury. Why, what would be the consequence of such a course being adopted? Continually increasing damages awarded by juries, and votes of such amounts by that House, not in the case of the Messrs. Hansard merely, but in the case of every individual against whom anything of a libellous or criminating tendency might be published in the course of their proceedings, although such publication might have taken place for the best reasons in the world—in fact, every man against whom any libellous matter might be published, however deserving of punishment, would, if such a principle were adopted, acquire a claim on the public treasury. A species of annuity, of thousands a-year, would be created and added to the expenses of the House of Commons. Another suggestion was, to propose a conference on the subject with the House of Lords. But what was the usual course of the House of Lords under similar circumstances? Without entering at large into cases, he would refer only to one besides that stated by his hon. and learned Friend. This would sufficiently show what course the House of Lords had been accustomed to adopt. In 1768, when an action for false imprisonment had been brought against a justice of the peace who had, by order of the House of Lords, committed a person, the House of Lords at once committed to Newgate the attorney who had commenced the action, and the plaintiff to the custody of the Black Rod. Here the House of Lords did not stop to answer in any way the action commenced in the court of law, but at once committed the parties. The case in question was, as compared with the present, a trifling one; but it sufficiently showed that where a breach of their privileges had been committed, the House of Lords were not slow to make the offending parties suffer. If, then, pursuant to the advice which had been given, they asked a conference with the Lords on the question of their privileges in regard to the present case, what must be the answer of the House of Lords? That they were quite able to maintain their own privileges, and that they, therefore, would leave it to the House of Commons to consider if they also had not the means of vindicating their privileges. Surely, then, until it was proved that the House of Commons had no power to vindicate their own privileges, it was not for them to apply to the House of Lords on the subject. A power similar to that asserted by the House of Commons was exercised by the Chancery Court. That court would not allow officers who had acted under its authority to be proceeded against in any other court. The Court of Exchequer exercised a similar power. He had read that morning an elaborate judgment of Chief Baron Eyre on the subject. That court would not allow persons charged with offences against the revenue to be sued in any other court; nor would they allow their officers to be sued in any other court by persons considering themselves aggrieved. If such was the course pursued by the House of Lords, the Court of Chancery, the Court of Exchequer, and if such had been, as he maintained it had, the regular course of the House of Commons, surely it was best to proceed according to the ancient custom and power of the House before employing any new expedient. He felt, in common with the right hon. Gentleman opposite, that they were placed in a situation of great difficulty, being no longer assisted by the courts of law. He was aware, in fact, that obstacles might arise, not from the want of power on their part, but from the great extent of their powers. They had powers which, if exercised to their utmost extent, were no doubt amply sufficient to justify and carry into effect their orders; but not without inflicting personal suffering on individuals, and incurring great public inconvenience. He had been taunted by the hon. Baronet the Member for the University of Oxford, and by the noble Lord, for not having at once called the judges to the bar of that House, and there impugned their conduct on the judgment seat. Under the resolution of 1837, he contended, it was quite competent to the House to use that power, but undoubtedly great public inconvenience must arise from it. To attack the inferior officers was said to be pusillanimous; but Lord Chief Justice Denman, in his judgment, said, that he did not think the Speaker could be brought into the Court of Queen's Bench and punished for anything done by order of the House of Commons. He was of opinion that the Speaker might order the publication of matter that would be libellous on individuals, and that might inflict great personal injury; yet the Court of Queen's Bench, could not, in his opinion, take any notice of his proceedings. So that the very fault the hon. Baronet found with their proceedings was to be found with the opinion of Lord Denman; because, while he was of opinion that the person printing libellous matter might be proceeded against in that court; yet, against the Speaker, or the House itself, by whose order such libellous matter might have been so printed, they could not proceed. He confessed that he thought that this opinion of the Lord Chief Justice would be difficult to defend in a court of law; but at the same time, he must say, that if, by stopping the inferior officers of the law, these proceedings could be brought to a close, it would be preferable to adopting the extreme course recommended by the hon. Baronet and the noble Lord. He had not intended to say so much, but he could not leave unasserted privileges so important on an occasion when there was danger of their being denied and totally abrogated.

The House then divided. Ayes 286; Noes 167: Majority 119.

On the resolution, that the Sheriffs be called to the bar,

Mr. *F. Kelly* hoped the noble Lord would consent to an amendment, to the effect that the sheriffs and under sheriffs be ordered to bring with them all writs, rules, and other authorities, under which they might have acted.

The *Attorney-General* thought the amendment of the hon. and learned Gentleman quite unnecessary. The writs to which he referred formed the justification of the sheriffs, and he apprehended, that they would bring them of their own accord as a part of their defence. The object of producing the warrant was to show that the officer had acted under the authority of the sheriff.

Mr. *Law* contended, that the argument of the learned Attorney-General against ordering the sheriffs to produce their writs held equally good against ordering the inferior officer to produce his warrant. He hoped that the House would be consistent in their course on this occasion, and that if they required the inferior officer to produce his warrant, they would at the same time be prepared to face the real grounds of the conduct of the sheriffs in the performance of their public duty. He trusted that they did not already begin to flinch from the consequences of their proceedings. A short time ago they were afraid of the judges, and now they seemed to be afraid of the writs in the possession of the sheriffs. He trusted the noble Lord would either abandon so much of his motion as related to the production of the warrant by the inferior officer, or that he would consent to an amendment, ordering the sheriffs to produce that legal authority which they were bound to obey.

Mr. *Kelly* moved an amendment to the effect before stated by him.

Lord *J. Russell* agreed with his hon. and learned Friend in thinking that the amendment was unnecessary, as the sheriffs would bring the writs as their justification; but he would not object to such an amendment.

The House divided:—Ayes 206; Noes 117: Majority 89.

List of the Ayes.

Abercromby, hon. G.
Adam, Admiral
Adare, Viscount
Aglionby, H. A.
Ainsworth, P.
Anson, Sir G.
Archbold, R.
Bailey, J.
Baines, E.
Baker, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Lord
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blackburne, I.
Blackett, C.
Blair, J.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhasset, A.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Brabazon, Lord
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Campbell, Sir J.
Cavendish, hon. G. H.
Cayley, E. S.
Chapman, Sir M. L. C.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Viscount
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Collier, J.
Collins, W.
Colquhoun, J. C.
Conyngham, Lord A.
Coote, Sir C. H.
Courtenay, P.
Craig, W. G.
Crawley, S.
Crompton, Sir S.
Curry, Mr. Sergeant
Dalmeny, Lord
Donkin, Sir R. S.
Douglas, Sir C. E.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Du Pre, G.
Easthope, J.
Eastnor, Viscount
Edwards, Sir J.
Ellis, J.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Farnham, E. B.
Farrand, R.
Fielden, J.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fleming, J.
Follett, Sir W.
Fort, J.
Fremantle, Sir T.
Gisborne, T.
Gordon, R.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, Sir J.
Grattan, J.
Grattan, H.
Greene, T.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, rt. hn. Sir G.
Guest, Sir J.
Hale, R. B.
Handley, H.
Harcourt, G. G.
Hardinge, Sir H.
Harland, W. C.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hope, hon. C.
Hoskins, K.
Houldsworth, T.
Howard, F. J.
Howard, P. H.
Howick, Vicount
Hughes, W. B.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Jenkins, Sir R.
Jermyn, Earl
Jervis, J.
Jervis, S.
Labouchere, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Leader, J. T.
Leveson, Lord
Lister, E. C.
Loch, J.
Lockhart, A. M.
Long, W.
Lushington, S.
Lynch, A. H.
Mackenzie, W. F.
Macnamara, Major
Maidstone, Viscount
Manners, Lord C. S.
Marshall, W.
Marsland, T.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. W. M.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Lord
Parker, M.
Parker, R.
Parnell, Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D.
Planta, rt. hon. J.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rae, rt. hon. Sir W.
Redington, T. N.
Rice, E. R.
Rich, H.
Rickford, W.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salway, Colonel
Sandon, Viscount
Sanford, E. A.
Scholefield, J.
Serope, G. P.

Seymour, Lord
Smith, J. A.
Smith, B.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Speirs, A.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sutton, hon. M.
Talbot, J. H.
Teignmouth, Lord
Thornely, T.
Thornhill, G.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verner, Colonel
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Sir R. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Wall, C. B.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Wilmot, Sir J. E.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, G. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Stanley, E. J.
Divett, E.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Captain
Archdall, M.
Attwood, W.
Bailey, J. jun.
Baillie, Colonel
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marquess
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Chapman, A.
Christopher, R. A.
Copeland, Mr. Ald.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Goring, H. D.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hamilton, Lord C.
Harcourt, G. S.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Herbert, hon. S.
Hodgson, F.
Hogg, J. W.
Holmes, hon. W.
Hope, G. W.
Hotham, Lord
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Sergeant
James, Sir W. C.
Jones, J.
Kemble, H.
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. C.
Lefroy, rt. hon. T.
Litton, E.
Lowther, hon. Col.
Lowther, J. H.
Maclean, D.
Mahon, Viscount
Marton, G.
Maxwell, hon. S. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Richards, R.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushout, G.
St. Paul, H.
Shirley, E. J.
Smith, A.
Smyth, Sir G. H.
Sotheron, T. E.
Stormont, Viscount
Sturt, H. C.
Sugden, rt. hn. Sir E.
Thompson, Mr. Ald.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Wood, Colonel T.
Wood, Colonel

TELLERS.
Kelly, F.
Freshfield, J. W.

Motion, as amended, agreed to.

THE QUEEN'S SPEECH — THE ADDRESS.] The *Speaker* stated, that the House had been to the House of Peers, where her Majesty had been pleased to deliver a Speech from her Throne, a copy of which he had procured, which he would read to the House.

The Speech having accordingly been read,

The hon. *G. H. Cavendish* addressed the House as follows: In rising to move an address in answer to her Majesty's gracious Speech from the throne, I cannot but be convinced of my own incapacity for the adequate performance of the task which I have undertaken; but I trust that the House will, on this occasion, extend to me its indulgence. It will be my duty to call the attention of the House to the various important topics touched upon by her Majesty in the course of her Speech from her Throne; but, in doing so, I shall trespass as short a time as possible on the attention of the House, and in the observations that I shall make, I trust that no words will fall from me that will, in the slightest degree, tend to disturb that spirit of harmony and unanimity which it is so desirable should prevail on the present occasion. Indeed, I believe I am only stating, though most imperfectly, what must be passing within the mind of every hon. Member, when I declare my conviction that this House will, as of one accord, hail with the most lively joy and satisfaction the auspicious announcement which has been made to us this day, and that they will hasten, with that loyalty and attachment which have ever characterised the people, whose representatives we are, to offer their sincere congratulations to her Majesty on this event, in language dictated by no forced or hollow feelings, but the free and spontaneous tribute of our hearts. God be praised, that in these days, and in this country, we do not need to sacrifice the happiness of our Queen to any ambitious views, or interested calculations of policy, but that, in the free unfettered exercise of her judgment, she has made such a choice as will, she thinks, under the Divine blessing, conduce to the happiness of her people and secure her own happiness. The Prince, the object of her choice, is indeed one of whose excellent qualities there seems to be but one opinion. Descended from an illustrious line of ancestors, kind and affable in his manners, winning in his demeanour, to many accomplishments adding the graceful embellishments of literary pursuits, loved and honoured in the bosom of his family, and endeared to the people among whom he has lived; he is one to whom I think, without using the language of panegyric, the country may look with the fondest expectation, as one likely to contribute to their interests, and to secure the happiness of her, who, amidst the manifold cares which sit so heavily on so young a brow, has chosen him to be the sharer of her joys and sorrows; and I am confident the House will, in its liberality and attachment to the Queen, make such fit and reasonable provision as will enable this prince to maintain the honour and dignity of the station he will have to fill. I turn with peculiar pride and satisfaction to the result of the arduous campaign in India—a campaign which, whether we view it on its important political bearings, or as one of the most brilliant and gallantly conducted military achievements on record, is one on which we may well congratulate her Majesty. If we view it in its important political bearing, as opening to us the course of the Indus, and securing our frontier on the side of Persia, we must admire the prudence and foresight of Lord Auckland in placing on the throne of Afghanistan a prince friendly to the British interests, instead of leaving it a prey to intestine divisions, and a cradle for intrigues against the British power. If we view it as a military achievement, we must all, I am sure, be proud of the valour and hardihood of the brave troops, and of the consummate skill of their gallant commander, which have brought the campaign to such a happy issue; whether we consider the distance traversed, the natural difficulties of the country overcome, or the rare and skilful combinations which must have existed to move three distinct bodies of troops over a distance of nearly 1,500 miles, or the courage and decision with which they crowned their enterprise by the assault and capture of Ghuznee; and these are the results of a campaign concerning which even those most conversant with Indian affairs predicted defeat, failure, and disgrace; and if I recollect aright there was no one more confident in his predictions of failure than the Duke of Wellington; but even he underrated that spirit of valour and patient endurance with which he, more than any man living, has infused the British army; and when he predicted failure he forgot that there was the recollection of his own gallant deeds in that quarter of the globe, to stimulate and excite the troops to achievements which should rival even his unparalleled exploits. I am sure that the House will concur with her Majesty in regretting that a disposition to violence should have shown itself in any part of this country, and that in one district hitherto remarkable for its tranquillity, a most serious outbreak should have taken place; but I think it is matter of congratulation for the House that wherever this disposition to violence has shown itself, it has instantly been, and successfully, repressed by the energy of the magistrates, the good conduct of the respectable part of the community, and the steadiness of the troops, and that this House will assure her Majesty that they join with her in relying upon the power of the law, and the good feeling of her Majesty's subjects to suppress those treasonable practices. Any person unacquainted with the state of the country might be led to suppose that these outbreaks originated with the severe depression of trade; but whatever may have been the proximate causes, I believe that the real one are to be traced to deeper, and I fear more dangerous sources. It is I think to the alarming state of moral and religious darkness in which these vast multitudes have grown up that this spirit of disaffection is to be traced; it is to the absence of all fixed principle, which makes them the dupe of every interested demagogue, and the ready listener to every advocate of wild and visionary schemes for bettering themselves; and I would seek the remedy, not in fresh penal legislative enactments, but in doing all that lies in our power to secure to every man the blessing of a sound religious education—an education which shall teach them better things, and which by showing them, and proving to them, that they are human beings, not to be used as mere machines, but felt and cared for by those placed above them by wealth and station, as men like themselves, and as beings having eternal interests at stake, an education which, in doing this, shall gradually wean them from the spirit of insubordination, and lead them to seek their own advancement and happiness as a class, in the happiness and advancement of the whole nation; and my prayer to God is, that if clouds are darkening the horizon, they may, through his providence be dispelled, and that, at this important juncture he will so order our deliberations, that in the faithful and zealous discharge of our duty we may apply our minds, unbiassed by private or partial affection, to the consideration of the momentous questions before us, and that, differing where we do differ, fairly and openly, we may lay aside the bitterness and rancour of party spirit, and devote ourselves to the real good of the country, so that the nation may have no cause to complain that we have betrayed the trust reposed in us by them; and that when the records of these days shall come to be traced, posterity may find it written in imperishable characters, in the spread of civilization and in the improved moral condition of the people, that from the days of Victoria and Albert commenced an era when the peace of love and order again influence the habit and character of the whole nation, and when, in the blessing of an united and unselfish people, her Majesty found the best security for her throne, and the brightest flower in the nuptial wreath. The hon. Member concluded with proposing an address, which was as usual, an echo of the speech.

Sir *William Somerville* said, in rising to second the address which we have just heard read, in answer to her Majesty's most gracious Speech from the Throne, I shall, as far as possible, endeavour to follow the example that has been set me by the hon. Member who has preceded me, and abstain from any topic of an irritating nature, or which might have the effect of disturbing that unanimity which I hope will exist on the present occasion, and which I feel it is so necessary should exist. I do not think it necessary to press at any length upon the House the consideration of the various topics of her Majesty's Speech, more particularly as I see in that Speech, embracing as it does the foreign, colonial, and domestic policy of the country, much cause for joy and congratulation, little for apprehension, and none, I hope, for serious alarm. I shall not allude to the foreign affairs of the country farther than to say, that we must all rejoice at the cessation of the civil war in Spain, and although rebellion may still lurk in a corner of that country, there is every reason to believe, that it will be speedily put down, and that Spain, when taking her station amongst the constitutional monarchies of Europe, will soon reassume that position to which the bravery and commercial enterprise of her inhabitants so justly entitle her. Her Majesty's allusion to the affairs of our colonies, leads us to hope that the affairs of Canada are likely soon to be settled, whilst the brilliant results of our Indian expedition, must cause us all to rejoice at the glories and achievements of the British arms. Her Majesty next alludes to the domestic affairs of this empire; and she recommends to the attention of Parliament the speedy settlement of the Irish corporations. This, Sir, is not the first time that a similar recommendation has proceeded from the Throne, but I fondly hope it will be the last. The corporations of Ireland are in a condition more peculiarly to create distrust, animosity, and ill will amongst the people of that country. The Roman Catholics are by law admissible to corporate privileges, but they are debarred a participation in those privileges by the corporate officers themselves. Had the law never interfered—had the Catholics been debarred from the enjoyment of these privileges by law, it would not have been so bad as it now is; and I need not state to the House how calculated this state of things is to increase animosity and ill-will; and I do trust it will be put an end to. It has been too much the habit, when the affairs of Ireland are being discussed, to consider, not how much we can give, but how little — not how to give generously and willingly, but how to give grudgingly and sparingly. I trust that this will no longer be the case, but that this question will be finally and satisfactorily set at rest. I am sure this House must feel grateful to her Majesty, for the promptitude with which she has carried into effect the intentions of Parliament with regard to Post-office reform: and I trust that this measure will prove of advantage to the public, and tend to the promotion of knowledge. I am sure this House must respond to her Majesty's sentiments of sorrow and regret, when she alludes to the commercial embarrassments of the country. I trust and hope these difficulties will be but temporary, and that the commercial prosperity of this kingdom will soon again be placed upon a sure and permanent basis. Deeply, too, must this House participate in the regret expressed by her Majesty, that disturbances should have taken place in some parts of this country; and whilst alluding to this topic I hope, without breaking the promise I made at the commencement of my address not to introduce any irritating topics, that I may congratulate this House and the country upon the tranquillity at present existing in Ireland. I know there are some who deny the existence of this tranquillity. I can only say to such, that the evidence of their senses differs from that which mine presents to me. Others there are, who, while they admit and rejoice in the existence of this tranquillity, still doubt its permanency, and believe that it is only skin deep—

> "They hear a voice in every wind,
> And snatch a fearful joy."

Such is not my opinion. My own opinion is, that this tranquillity is consequent upon the introduction of a fair, a just, and equitable system of government, which has conciliated the goodwill and affections of the people, and whilst I fervently pray that this tranquillity may be lasting, I as fervently hope that the outbreaks which have disturbed this country may be but temporary, and speedily give place to a better state of things. Sir, it must have been a source of sincere satisfaction to the ministry upon a late occasion, when a part of this country was disturbed, to have been able to withdraw troops from Ireland—thanks to the facility of communication with perfect ease, and thanks to the introduction of a wise system of government into the country with perfect safety. The first topic, Sir, introduced by her Majesty into her Speech, alluded to the interesting announcement of her intended marriage. The hon. mover of the Address has left me little to say upon this point; nevertheless, as a loyal subject of my Sovereign, I trust I may be allowed briefly to allude to it; and I feel convinced, that the illustrious birth, and the many shining qualities which adorn the Prince, the object of her Majesty's choice, will recommend this union less to the approbation of the people of England, than the knowledge of the fact, that it was determined on, less from motives of state policy, than as her Majesty's own unbiassed and spontaneous choice. The Crown of these realms, Sir, can receive no additional lustre from any alliance, however splendid. No alliance can give additional security to the Sovereign of these kingdoms—she reigns secure in the hearts, the loyalty, and affections of her people; and most fervently, I trust, will this House respond to the aspirations of her Majesty, that her approaching union may promote the happiness of her people, and that she may enjoy in her domestic circle, when wearied with the storms of state, some alleviation to those cares and anxieties to which she has been destined by Almighty Providence at so early an age, and which are inseparable from her exalted station—a station which, exalted as it is, her present Majesty both dignifies and adorns. I think it unnecessary to say any more upon the present occasion, and shall conclude by seconding the Address. The Address was then read by the Speaker.

Sir *R. Inglis* did not wish to disturb the unanimity which the House must be disposed to exhibit on such an occasion, but he did not wish that the House should be held to adopt every word of the Address unguarded by any declaration of disapproval as to part of its contents. Under these circumstances, he felt it to be his duty, and he hoped he felt it to be a painful duty, to offer a few words to the House on the present occasion. He could have wished that her Majesty were surrounded by Ministers who would have felt it to be their duty most respectfully to have hinted to her Majesty the propriety of delivering this speech by royal commissioners. He must next proceed to state, that there was a remarkable omission in the Speech, and, as it now appeared, not an unintentional one. It was not by accident or inadvertence that the nation was not assured in the first declaration from the Throne of that which was most important for the security of the highest of all its interests at the earliest opportunity, and through the most authentic communication. He knew that it had been said that the precedent of the last royal announcement of a similar nature was scrupulously followed. It was not necessary for him to state in plainer language what that omission was. It must be alike alive to the imagination and understanding of all the persons of different religious persuasions by whom he was surrounded. When George 3rd announced the nuptials which he had contracted, a very different state of thing existed in this country, and his advisers did not think it necessary to make specific mention of the religion of the Princess with whom he had contracted marriage. But what was the conduct of the House of Commons even on that occasion? Was the Address a vague echo of the Speech from the Throne? No; when his Majesty had announced to both Houses that he had contracted nuptials with a princess eminently endowed with every virtue, the House, not content with general congratulation on so happy and auspicious an union, added in the description of it, the mention of the princess being descended from an "ancient and illustrious Protestant family." It was essential, not merely to the interest of the nation—not merely to that religion approved by the hearts and judgment of the great mass of the people, but to the security of the Throne itself, that the Sovereign when contracting marriage, should contract it with a Protestant. And though he thought there was no reason to doubt the fact, still it would have been better advised on the part of her Majesty's Ministers to have introduced into the Speech from the Throne the most explicit declaration on a point so vital. Having called the attention of the House to the most important omission, he wished to notice some other parts of the Speech. He unhappily heard very imperfectly the Mover of the Address but he regretted that the hon. Member should make one declaration as to the close of the contest in Spain, without the least reference to the mode in which that contest was brought to what he called a pacific termination. He would not enter into the question as to who had the right to the Spanish throne, but he had trusted that he should never hear an English gentleman congratulate an assembly on the progress of a cause, the success of which was owing to the most monstrous treachery. He protested, also, against being bound by an approval of the policy pursued with regard to China. They had not the papers, and, therefore, could not, legitimately, enter into a full disussion of the question. But everybody knew that we had endeavoured to introduce into China an article which the Chinese government had always prohibited. Now he asked the most zealous advocate of the corn-laws, whether, if Russia persisted in sending her corn into this country, in violation of our municipal laws, England would not have been justified in carrying on a war for its exclusion? In that case, the importation would have been of the most beneficial production of the earth; but we had persisted in forcing upon the Chinese pestilential poison, in opposition alike to the laws of God and man. There were many other subjects, such as the Irish corporation question and the ecclesiastical commission, which he felt disposed to dispute, but he felt it a duty to himself and his constituents to express his unqualified disapprobation of the points to which he had referred, lest his silence should be construed into an approval of them.

Viscount *Palmerston* thought, that nothing was more clearly understood in Parliament than that an address of the present description did not pledge the opinion of any Member to the several points of general policy touched on in the Speech. He should have, therefore, concluded that a Member of so great experience as the hon. Baronet, ought not to have thought it necessary to guard himself against the expression of any opinion approving of the general policy of the Government. Nor should he have thought it necessary to rise, but that like the hon. Baronet, he was anxious that by his silence he should not be supposed to acquiesce in the inferences and conclusions drawn from some points adverted to in the Speech. Now, in the first place, as to the omission of the statement of the religion of the Prince to whom her Majesty was about to be united in marriage, he thought the House would at once see that it was wholly unnecessary for her Majesty to declare to the House the fact, which, according to the law of the land, could not be different. It was wholly unnecessary for her Majesty to state that Prince Albert was a Protestant; because, not only was the fact notorious to all the world, but the marriage could not have been contracted if he were of a different religion. With regard to the termination of the war in the Basque provinces, the hon. Gentleman thought that no English gentleman could feel or express satisfaction at the termination of a civil war by such means as those by which he conceived the contest had been brought to a conclusion. Now, he stood there in his public or private capacity, ready to express unfeigned satisfaction at that event. He thought the termination of a civil war by the arrangement entered into was satisfactory, as by it subjects in rebellion against their sovereign returned to their lawful allegiance. And, on the other hand, the sovereign secured to them the continuance of privileges to which they attached great and well-merited value. Such a conclusion of the war was alike honourable to both parties and must be viewed by all friends of peace and order with sincere and unmixed satisfaction. They had heard in that House on former accasions great interest expressed for the suffering Basques, and the greatest anxiety that they should retain the enjoyment of their Fueros. The peace made between the Queen of Spain and the Basques rested on the preservation of their Fueros, and he certainly did not expect to hear from that side of the House expressions of dissatisfaction at an arrangement which led to such results. Gentlemen might call it treachery, if treachery consisted in a return to allegiance. That was not his view of treason. He did not expect that Gentlemen holding the opinions which those on the other side entertained should attach that opprobious epithet to the return of subjects to their allegiance. Now, with regard to the other point, he was sure that the House and the hon. Baronet would see, that it was unfitting for him on this occasion to enter into any detail or explanation on this subject, but this, at least, he felt bound to say, that her Majesty's Government, in advising her Majesty to state what was contained in this Speech with regard to the transactions in Asia, had no intention to dispute the right of every Government to prohibit the importation of any foreign commodities which their Government might choose or think it right to prohibit, or of enforcing that prohibition by means and authority of its own.

Colonel *Sibthorpe* agreed with the hon. Baronet that the Ministers would have better discharged their duty by inserting the word "Protestant."

Sir *Robert Peel:* Sir, I feel that there is a general indisposition on the part of Members of this House to choose the present occasion for commenting on general affairs; and I heartily join in the general desire that we should be enabled not only to concur in the Address which has been moved by the hon. Member opposite without amendment, but that we should also be able to do so without the introduction of those topics which might lead to acrimonious discussion. Sir, I fully participate in what I collect to be the general feeling of this House. Of late years the policy of Governments has been to avoid the introduction in the Speech of any topics compelling political opponents to propose amendments. The policy of opposition has also been of late years to discourage amendments. Sir, I should not, under ordinary circumstances, feel myself at all bound by that custom; but I do feel that the present are not ordinary circumstances. I feel that on an occasion in which the Speech from the Throne announces the approaching nuptials of the Sovereign I should not be justified in making any deviation from the usual practice; and I should, therefore, be extremely unwilling to disturb the unanimity of the House by proposing any amendment. I am bound also to say that the nature of the speeches we have heard delivered by the Mover and Seconder of the Address does, as far as possible, take away all necessity for amendment, and diminishes very much the temptation which the excited state of public feeling affords to bring on a full discussion. At the same time I entirely agree with my hon. Friend that by now permitting the address to pass without amendment we are not only not concluded on the subjects introduced into the Speech from the Throne, but that we reserve to ourselves a full right to inquire into the conduct of the Queen's Government. I shall reserve to myself full power to express an opinion on the state of public affairs and the political acts of her Majesty's Ministers. Sir, I must now be allowed to say for myself, and for those with whom I have the honour to act, that we cordially participate in the congratulations which the

Address offers. I do entirely enter into the aspirations for the happiness of her Majesty in her approaching nuptials. Her Majesty has been enabled to contract those nuptials under circumstances peculiarly auspicious. It frequently happens that political considerations interfere with such transactions, and that persons in exalted stations are obliged to sacrifice their private feelings to their sense of public duty. Her Majesty, however, has the singular good fortune to be able to gratify her private feelings while she performs her public duty, and to obtain the best guarantee for happiness by contracting an alliance founded on affection. I cordially hope that the union now contemplated will contribute to her Majesty's happiness, and enable her to furnish to her people an exalted example of connubial felicity. Sir, notwithstanding my wish to avoid discussion, I cannot help expressing my surprise at the omission of one topic in the Speech. Recollecting the protracted discussions of last Session on the affairs of Jamaica, and the result to which they led, I am surprised at the omission in the Speech from the Throne of any allusion to the affairs of that colony. There appears to be every reason to congratulate ourselves on the effect of the two measures then adopted by Parliament; and I presume that Ministers, although those measures passed without their concurrence, must participate in the general satisfaction at their results. It appears that by pursuing the course which I ventured to recommend you have been able to preserve the constitution of Jamaica, and at the same time to cause the subsidence of all intemperate feeling. I told you that if you ventured to trust the Assembly you would find them not unworthy of your confidence—not unwilling to perform their legislative duties. Of course I have no information on this subject except what I derive from the public papers; but, judging from them, I think that Ministers have ample reason to congratulate themselves that their opinions were overruled. One word only with respect to the late military operations in Caboul. It is impossible to withhold our admiration at the successful efforts of our brave troops. I cannot pay them a higher compliment than to say that they appear to have supported the ancient glory of their country. There cannot be a dissentient voice on this subject, and I trust that Government will give an early opportunity for an expression of gratitude by this House. A motion for that purpose would, I am sure, meet with universal approbation, and I must express my surprise that no notice of moving a vote of thanks has been given. But, Sir, I must not be considered to imply perfect approbation of the political measure because I give unlimited praise to the military operation. The hon. Member who moved the Address seemed to labour under the impression that the Duke of Wellington had predicted the military failure of this enterprise. The hon. Gentleman is mistaken. If I recollect aright, the Duke of Wellington, knowing the skill of the commander, predicted that the military operations would succceed, but at the same time expressed his conviction that our difficulties would begin after our military operations had been completed. His grace contended that the engagements we contracted would be very onerous, and from this he predicted a want of success, and not from any doubt of the valour of our soldiers. For my own part I must confess that my apprehensions for the consequences have not been allayed by the temporary success of our troops. Sir, there now remains but one more subject to which I feel it absolutely necessary to allude, less for the purpose of provoking discussion than for seeking explanation. The point to which I allude has reference to the slave trade as carried on by Portugal. I think it necessary for the credit of the country to seek from the Noble Lord opposite some explanation on this subject. The House will recollect that in the course of last session measures of an extraordinary character—justified, I believe, by the necessity—were called for by Government to compel Portugal to fulfil her treaties, and in case of refusal to take their fulfilment into our own hands. The House of Commons, after some discussion with the other House of Parliament, passed at length a Bill giving effect to the proposal of Government. A correspondence was then laid on the table of the House explanatory of our relations with Portugal on this matter; and one of the vindications of the measures which the Noble Lord opposite was compelled to resort to was that Portugal had absolutely refused to make the slave trade an act of piracy. In that correspondence I find that the representative of this country at the Court of Lisbon was instructed to require from the Minister of Portugal his signature to a treaty making slave trading a piracy. It would also appear that by a paper in the despatch-office, signed by Lord Howard de Walden, and dated May the 28th, the total abolition of the slave trade was made a condition *sine qua non* with the Portuguese Government. That despatch distinctly led to the inference that the signature by the Portuguese Government making a continuance of the slave trade piracy was exacted as a condition *sine qua non.* But there has recently been published by the Portuguese Government a correspondence which I wish the Noble Lord opposite to reconcile with the correspondence laid before this House. In it there appears a letter from Lord Howard de Walden, marked, "most private and confidential." It is addressed,

> "My Dear Viscount—Here is a note on which to hang your declaration as to piracy. You will briefly first state your objection to the demand as unwarrantable: secondly, propose a penal law inflicting secondary punishment on slave traders; thirdly, remark that no European Power, except England, has declared the trade piracy; and, fourthly, declare the readiness of Portugal to act in concert with the other Powers, although unwilling to take the initiative. This strikes me as the best case you can make out, wording your conclusion strongly against the slave trade."

Now, Sir, the question is, whether that letter formed part of the transaction on which was founded the application of Government. Here we have a public despatch making the designation of piracy a *sine qua non*, and a private note consenting that it should not be styled piracy. This is to me a mystery requiring some explanation. I make no comment on the matter at present; all I mean to do is to give the Noble Lord an opportunity of stating whether the letter is genuine, and, if genuine, an opportunity of reconciling it with his public despatch. With these exceptions I shall adhere to what I perceive to be the general feeling of the House, and abstain from topics which might increase the asperity of debate, briefly reserving to myself, at this time of general alarm and excitement, a power of inquiring how far the conduct of Government has contributed to this alarm.

Viscount *Palmerston* felt no hesitation in giving the explanation which was required. In the first place, the negociations with Portugal for the purpose of obtaining an adequate treaty, were continued during more than four years, and were divided into several stages. The private note to which the right hon. Baronet referred was written at an earlier stage of the negociations than the failure on which the measure of last year had been proposed. About a year and a half ago the public and private notes had been written. He had sent a draft of a treaty to be proposed to the government of Portugal, in which it was required that the slave-trade should be declared an act of piracy. The Portuguese minister stated it was impossible to comply—the Portuguese government refused to make the slave-trade piracy, alleging the state of public feeling in that country, and the difficulty of obtaining legislative sanction to such a measure. The result was that the British Government felt that they could not obtain that concession, and that it must be abandoned. At that time Lord Howard de Walden had received leave of absence; (he was now stating the outline of the transaction,) and Lord Howard de Walden said, that he would agree to certain conditions to which the Portuguese minister attached importance, but to which he was not authorized by his instructions to consent. The Portuguese minister said, "If you will agree to these, I will agree to the other parts you propose, and a treaty can then be signed between us." The conditions which he insisted upon were that Great Britain should guarantee the Portuguese colonies. Lord Howard de Walden said, "I will take upon myself to do this," upon certain terms well understood by persons conversant with these matters; "but if you will agree to all the other points we require, I will sign a treaty which shall contain the conditions you insist upon. I am going home. and will submit it to my Government. If they agree, well and good, if they do not, here is a memorandum to be drawn up between us, to the effect that the whole thing shall be as if it never had existed, and our signatures shall be of no avail." One point upon which Portugal took her stand was, that she would not agree to make the slave-trade piracy. The note read by the right hon. Gentleman, was a note suggesting to Portugal the least objectionable mode of making that communication to us. Lord Howard de Walden in that note, did what every body engaged in negotiations of this kind does—namely, in friendly terms he suggested to the Portuguese minister the least objectionable manner of stating his refusal, and he mentioned the arrangement which in his opinion would come nearest to the point we desired to attain on the subject of piracy. "State," said he, "and place upon record that you have awarded the severest secondary punishment to it —state that you will declare the slave-trade to be piratical, and that you will agree to declare it decidedly piracy whenever the other powers of Europe shall do the same thing." This conduct was far from being inconsistent with the professions in Parliament of the Government, or with Lord Howard de Walden's instructions; but, on the contrary it was calculated to bring Portugal, as far as they would go, towards the object which we had in view. The end, however, of the negotiation was a failure; for though Lord Howard de Walden said, "I will agree to your conditions, provided you will agree to mine," he said, "You must agree before a given day." Before that time fresh objections were made by the Portuguese government to other points and Lord Howard de Walden was consequently unable to sign the treaty, and he came home without having concluded anything. This, however, was not the transaction upon which he (Lord Palmerston) had called upon the House last year to agree to the measure alluded to by the right hon. Baronet. He sent out another draft of a treaty to meet the objections of the Portuguese government, but securing in his opinion the powers and facilities we wanted to obtain. If the right hon. Baronet would look a little further into the papers he had been reading from, he would find another draft of a treaty, in which he (Lord Palmerston) expressed that he would be satisfied with the declaration that the slave trade was a piratical offence, and a great moral offence. The right hon. Baronet would also see in the progress of that correspondence that the Portuguese government not only refused to make the slave-trade piracy, but even objected to the epithet "piratical," which he had proposed to apply to that trade. But the grounds upon which he had come to Parliament last year to ask for the powers and authorities which Parliament afterwards granted, were not that part of the negotiations to which the papers read by the right hon. Baronet referred, but a subsequent stage of the proceedings, when the Portuguese government refused to agree to the modified draft in which the slave-trade was not required to be made piracy, but only denounced as a piratical offence, but, in which, also, the universal right of search was demanded, and the power of condemning all vessels under equipment, but without slaves on board; and in which draft likewise he distinctly refused insert that guarantee upon which the Portuguese government had laid so much stress, namely, that for a given time we would secure to the Portuguese government the possession of those parts of Africa which they demand to be considered as the colonies of Portugal, which would have required us to conquer large tracts of country not now possessed but claimed by Portugal. The second demand on their part was, that the treaty should be only temporary instead of being like all others, permanent. Those were the demands we refused to accede to—those on our part were the right of condemning ships equipped, but without slaves on board, and the extension of that power to all parts of the globe, instead of its being confined to the quarters north of the line.

Lord *John Russell* by no means wished to disturb that harmony of feeling which seemed to pervade the House on the subject of the Address, but there were one or two points suggested by the right hon. Baronet to which he wished slightly to refer. The right hon. Gentleman had asked, whether it was the intention of her Majesty's Government to propose a vote with relation to those persons who were engaged in the late expedition in India? To this his reply was, his right hon. Friend, the President of the Board of Controul would give a notice on the subject. He differed from the right hon Baronet in the remarks he had made on the subject of Jamaica, inasmuch as he considered, that the happiness of that colony would have been far better secured by the former bill than it was by the present state of affairs. He was far from being satisfied with the administration of justice in Jamaica—he did not think, that justice had been fairly and impartially administered by certain parties there. Let the Assembly of Jamaica provide an adequate remedy for that evil—let them take measures to secure the fair and impartial administration of justice, and he would be then ready to accede to the suggestion of the right hon. Gentleman, that benefits had accrued from the course pursued last year; but he did not think the colony ought to be satisfied with a state in which justice was not properly dispensed. Till that should be the case, he could not express his entire satisfaction with the conduct of the Legislature. There was another colony to the state of which allusion had been briefly made in the Speech, and to which he would now only very shortly refer. He alluded to Canada. In the first place, he thought it was due to the government of the United States to say, that although he had formerly great reason to complain of outrages on the frontier, measures had been recently taken by the Government of America which were of a far more efficient character than they had formerly been. The military department had been superintended by officers, who had acted with the utmost good faith towards her Majesty's subjects, and even in the courts of Law in the United States there had been convictions of some of the brigands and robbers of the frontier. With respect to another part of the same subject, namely, the internal state of Canada, he was happy to say, that up to the present moment no accounts had been received of the breaking out of fresh disturbances, and the aspect of affairs was satisfactory in the opinion of persons who had been there, including that distinguished commander Lord Seaton (lately Sir J. Colborne) and that there was a more likely prospect of an agreement between the inhabitants of the two Canadas, than we had formerly reason to expect. It appeared, that the new Governor had convened the Special Council, and that they had passed several resolutions approving the union of the two provinces; and the Assembly of Lower Canada had expressed its willingness to bear a portion of the expenses incurred by the works in Upper Canada. The Assembly of Upper Canada had likewise agreed to the resolutions, and the Governor-general had expressed his hope of being able to transmit shortly to England the alterations to be made in the bill of last year. There was one other subject on which, if the House would permit him, he wished to state the intentions of her Majesty's Government. The right hon. Baronet had put a question to the Ministers with respect to the slave trade. Now, connected with that subject was the melancholy fact, that, notwithstanding all their exertions—notwithstanding the repeated addresses of both Houses of Parliamant—notwithstanding the treaties we had formed, and notwithstanding the vigilant attention of her Majesty's Ministers, and of the different Governments which had preceded them—notwithstanding the efforts that had been made to carry out the stipulations of the treaty, and put an end to the slave trade—notwithstanding all this, he said, the slave trade was still in a flourishing state, and hundreds and thousands of human beings were yearly sacrificed to this barbarous traffic. It was the intention of the Government to propose a vote to Parliament for the building of steam-vessels, with a view to extend and improve commercial relations up the river Niger, and in the hope of inducing people to believe, that in the cultivation of the rich productions of Africa, and in the peaceful and innocent occupation of agriculture, they would derive more pleasure, and become more happy, than they could hope to be by pursuing their present unhappy and mistaken line of policy.

Mr. *Wallace* said, there were two questions in relation to the Speech to which he wished to advert. One was the state of the currency of the country; and the other was the Corn-law. One of these was attributable to the right hon. Baronet opposite, and the other to the Duke of Wellington. These were the main causes of the commercial distress alluded to by her Majesty's Speech, and he hoped they would receive due attention soon after the Address had been agreed to.

Address referred to a committee.

HOUSE OF LORDS,

Friday, January 17, 1840.

Their Lordships only met to carry up the Address they had voted to her Majesty.

HOUSE OF COMMONS,

Friday, January 17, 1840.

SESSIONAL ORDERS—PEERS—STRANGERS.] Lord *J. Russell* moved the reading of the usual Sessional Orders. When the order for the prevention of the interference of Peers at elections was being read,

Mr. *Hume* said, that it was ridiculous to allow such an order to remain, as it was well known to everybody that Peers openly interfered in elections.

Lord *J. Russell* said, that the resolution was entered into with regard to open interference in the early part of the last century, in consequence of the gross interference of Peers with the elections of Members of that House. The consequence had been, that a Committee of the House had struck off the vote of a Peer. The resolutions were deemed necessary, and he was not prepared to say that they ought to be altered. It could not be denied that Peers used some influence in elections, but they paid this much respect to the resolution of that House, that they did not openly and personally interfere at them. He was not aware of any instance in which a Peer presented himself openly on the hustings in favour of any particular candidate, or directly canvassed. And if such an occurrence were to take place, the House ought to notice it immediately and with severity.

Mr. *Hume* still considered it useless and absurd to have a resolution on the order book which it was known was utterly inoperative. He should, therefore, negative it.

The House divided:—Ayes 209; Noes 25:– Majority 184.

List of the Ayes.

Abercromby, hon. G. R.
Aglionby, H. A.
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Bailey, J.
Bailey, J., jun.
Baines, E.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Bateson, Sir R.
Beamish, F. B.
Bewes, T.
Blackburne, I.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bridgeman, H.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Buck, L W.
Buller, Sir J. Y.
Busfeild, W.
Butler, hon. Colonel
Calcraft, J. H.
Callaghan, D.
Castlereagh, Viscount
Cavendish, hon. G. H.
Chetwynd, Major
Chichester, J. P. B.
Clements, Viscount
Clerk, Sir G.
Codrington, C. W.
Collier, J.
Collins, W.
Colquhoun, J. C.
Compton, H. C.
Corry, hon. H.
Craig, W. G.
Crawford, W.
Currie, R.
Curry, Serjeant
Denison, W. J.
Divett, E.
Donkin, Sir R. S.
Dottin, A. R.
Douglas, Sir C. E.
Dugdale, W. S.
Dunbar, G.
Duncombe, T.
Duncombe, hon. W.
Duncombe, hon. A.
Easthope, J.
Eastnor, Viscount
Egerton, W. T.
Eliot, Lord
Ellice, E.
Ellis, J.
Ellis, W.
Etwall, R.
Evans, W.
Ewart, W.
Fellowes, E.
Filmer, Sir E.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, hon. H.
Fleming, J.
Fremantle, Sir T.
French, F.
Gisborne, T.
Glynne, Sir S, R.
Gordon, hon. Captain
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Guest, Sir J.
Hawes, B.
Hayter, W. G.
Heathcote, Sir W.
Hector, C. J.
Heneage, G. W.
Herries, rt. hon. J. C.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hutton, R.
Irton, S.
Irving J.
Jackson, Serjeant
James, W.
James, Sir W. C.
Jenkins, Sir R.
Jones, J.
Kelly, F.
Knatchbull, rt. hon. Sir E.
Knox, hon. T.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lennox, Lord G.
Lister, E. C.
Loch J.
Lockhart, A. M.
Lushington, rt. hon. S.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Macnamara, Major
Mahon, Viscount
Manners, Lord C. S.
Marshall, W.
Marsland, T.
Marton, G.
Master, T. W. C.
Maxwell, hon. S. R.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Monypenny, T. G,
Mordaunt, Sir J.
Morris, D.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Oswald, J.
Palmer, C. F.
Palmer, G.
Parker, J.
Parker, M.
Patten, J. W.
Pechell, Captain
Philips, M.
Phillpots J.
Pigot, D. R.
Planta, right hon. J.
Pollen, Sir J. W.
Pollock, Sir F.
Power, J.
Pryme, G.
Redington, T N.
Rich, H.
Richards, R.
Rolleston, L.
Round, C. G.
Rundle, J.
Russell, Lord J.
Rutherford, rt. hon A.
Sanford, E. A.
Scarlett, hon. J. Y.
Sheil, rt. hon. R. L.
Sheppard, T.
Smith, B.
Smyth, Sir G. H.
Somers, J. P.
Stanley, Lord
Stanley M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock Doctor
Strutt, E.
Style, Sir C,
Sugden, rt. hon. Sir E.
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Villiers, Viscount
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wilkins, W.
Williams, W.
Wilmot, Sir J. E.
Winnington, T. E.
Wood, C.
Wood, Sir M.

Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Wrightson, W. B.

TELLERS.
Maule, hon. F.
Smith, V.

List of the Noes.

Bagge, W.
Ballie, Colonel
Bentinck, Lord G.
Blandford, Marquis of
Bradshaw, J.
Bruce, Lord E.
Burdett, Sir F.
Christopher, R. A.
Copeland, Alderman
Creswell, C.
Darby, G,
Dick, Q.
Disraeli, B.
Fector, J. M.
Hodgson, F.
Inglis, Sir R. H.
Law, hon. C. E.
Lincoln, Earl of
Maidstone, Viscount
Maunsell, T. P.
Muskett, G. A.
Paget, F,
Plumtre, J. P.
Whitmore, T. C,
Yates, John A,

TELLERS.
O'Connell, D.
Hume, J.

Order agreed to.

Mr. *Hume* was sorry to say the House had divided upon the wrong question. However, he did not care; for last year he was in a minority of 18 upon the same question, and now he was in a minority of 25, so he would rest satisfied.

Sir *Robert Inglis* remarked that, although the hon. Member for Kilkenny might have made a mistake, he had not; for he knew what he had voted, which was, that no resolution of the House of Commons could disfranchise the Peers.

Mr. *Ewart* proposed that the words "or his agent" should be added; thus making it equally illegal for the agent of any nobleman to interfere in an election as the Peer himself.

Lord *John Russell* could not consent to that proposal, as it would carry the order beyond the bounds of its original intention.

Mr. *Ewart* could not perceive any thing improper or unconstitutional in his suggestion; but as the noble Lord opposed it, he felt it would be useless to divide.

Mr. *Hume* said he would submit to the House whether it was worth while to retain this order, as strangers and reporters were notoriously admitted. He would not make any motion, but merely threw out this as a suggestion.

Lord *John Russell* said, the question was, whether the House should have the power of excluding strangers, if necessary. The question of the admission of strangers, by way of indulgence, had been a matter of discussion a long time, but he would put it to the House whether, by remitting this order, strangers should be allowed to gain entrance as a right, to be present at the proceedings of Parliament, more particularly when it was remembered that questions might arise, especially those relating to our foreign policy, from which it might be expedient, on account of some peculiar and extraordinary circumstances, that the public should be excluded? He thought it was a power which the House ought not to abandon.

The order agreed to as were the other Sessional Orders.

Penny Postage.] Sir *R. Peel*, seeing the right hon. Gentleman, the Chancellor of the Exchequer, in his place, wished to inquire whether he could name any period when the stamped covers would be introduced? He, likewise, wished to know whether, in the event of there being a likelihood of any great delay, it might not be possible to introduce the stamped covers within the metropolitan district? Also he was desirous of ascertaining whether, with the introduction of the stamped covers, there would be any alteration in the time of delivery, so that the public might receive their letters as formerly, at an early period of the day?

The *Chancellor of the Exchequer* felt a difficulty in fixing a definite period for the introduction of the stamped covers. The delay had not arisen from his being unable to introduce stamped covers with facility, but from the circumstance of its being of the utmost importance to introduce such stamps as would effectually prevent the danger of forgery. That crime, he rejoiced to say, was rapidly disappearing from the country; but it still was necessary to provide against it by applying as many checks as possible, and to do this it was necessary to make a number of experiments. Experiments had been made, and it was found easy to apply the checks on a small scale; but when applied to numbers amounting to millions, it became more difficult to complete the working of the whole machinery. Experiments were now going on, and he trusted the business would be completed in about six weeks. With respect to the second question, as to the introduction in the first instance of the stamps into the London districts, he would not say, positively, that that plan would be adopted, for the main hitch in bringing the whole machinery into operation, was applicable to London as well as to the country at large. He thought, however, that such an arrangement might probably be adopted for a short time. With respect to the third point, the time of delivery, the delay had arisen from the increased pressure upon the Post-office department, and though it had been the object of the Government to try the experiment with no niggardly increase of force, it unfortunately had happened that the simultaneous arrival of fourteen foreign mails had caused an unexpected delay. But he was in hopes that, with a small increase of force, and when the whole business should be better arranged, all difficulties would be removed, and the public would experience no disappointment in the delivery of their letters.

Mr. *Goulburn* inquired whether the Government contemplated any new arrangement with regard to the transmission of Bills. The present charge of one penny a sheet he deemed excessive.

The *Chancellor of the Exchequer* replied, that as that was a question relating particularly to the proceedings of the House, it was for the House to deal with it. After the fullest consideration, it had been deemed expedient to fix the lowest possible rate of postage, and not to give special advantages to any particular class of communications. If, however, the House should decide that this privilege should be extended to the communications of the House, and not to those of the several Government departments, it would only remain for him to yield to that decision.

PRIVILEGE — STOCKDALE *v.* HANSARD.] The Order of the Day for taking into consideration the petition of Messrs. Hansard was read. Lord John Russell moved that John Joseph Stockdale be called to the bar.

Mr. *F. Kelly* begged to inquire whether the more correct and formal course of proceeding would not be to call in the real witnesses previous to the examination of Mr. Stockdale, in order that the allegations contained in Messrs. Hansard's petition might be substantiated? At present a petition had been presented to the House, but they had no means of knowing whether the statements contained in that petition were well-founded or not. He apprehended that before any subject of these realms could be placed in the situation of a party accused, it was necessary that evidence should be given of the commission of the offence of which he was accused.

The *Attorney-General* would remind his hon. and learned Friend of two facts —first, that Mr. Hansard had been called to the bar, and had proved every one of the allegations contained in the petition; and secondly, that they were not then in the Court of Queen's Bench. He would also remind other hon. and learned Members, that in that House they were not bound by the technical rules which obtained in the courts of law, but were bound to proceed according to the well-established practice of Parliament, which required, that when a complaint was made against a party for having been guilty of a breach of the privileges of the House, he should be called to the bar and questioned.

Mr. Stockdale called in, and placed at the bar.

The *Speaker:* What is your name?—John Joseph Stockdale.

What is your occupation?—Author, printer, and publisher.

The *Attorney-General:* Are you the plaintiff in an action of "Stockdale *v.* Hansard and others?"—I am.

Was that action commenced in August last?—I am not quite certain, but, from the way in which the question is asked, I have no doubt it was.

Was it commenced for a publication which, to your knowledge, was ordered by the House of Commons?—Certainly.

Did you send any person to procure a copy of that publication?—I did so.

For the purpose of bringing an action upon it?—Most certainly.

Whom did you send?—I submit, Mr. Speaker, that I am not bound—that I have no right—to answer that question.

Sir Robert Inglis moved that the party do withdraw.

Mr. Stockdale was, accordingly, ordered to withdraw. When he had retired,

Sir *Robert Inglis* said it was perfectly clear that the object of the last question put by the Attorney-general was not to criminate the party at the bar, nor to exculpate him. If it had any meaning at all, its object must be to criminate some other parties.

The *Attorney-General* begged to deny most respectfully, but at the same time most emphatically, that the question had any such object; but he thought it most material that the House should know how this proceeding had been conducted; and if, peradventure, it should turn out, as he had some reason to believe it would, that Mr. Stockdale sent his own son to buy a copy of the publication; that the son, having purchased a copy, brought it to his father, and that the father kept it till it was produced, or ready to be produced, in evidence in the case—he thought that that would be a material circumstance for the consideration of the House; because they were now to consider whether this Mr. Stockdale had really received an injury, and had *bona fide* proceeded to recover an indemnity for that action, or whether he had not, by design and premeditation, violated the privileges of the House. If such objections were to be taken to the questions proposed it would be most embarrassing, and it was for the House to determine whether they would prevail, and so render that proceeding abortive which had been approved of by a large majority of the House, even although it was disapproved of by some most respectable Members.

Sir *Edward Knatchbull* differed from his hon. Friend, the Member for the University of Oxford (Sir R. Inglis) in the objection which he had taken to the question. He did not attach much importance to it, nor did he see any reason why it should not be put. He was, however, very much surprised at the course taken by the Attorney-general in replying to his hon. Friend's objection. What had the Attorney-general said? Why, that the hon. Baronet, the Member for the University of Oxford, had interrupted the course of the examination for the purpose of rendering the whole proceeding void. He thought it would have been infinitely better for the hon. and learned Gentleman, holding so high and important an office in the country as he did, not to have thrown out any insinuation of that kind. No beneficial result could be expected from a proceeding conducted in such a spirit as that manifested by the right hon. and learned Gentleman. He (Sir Edward Knatchbull) admitted the importance of the privileges of the House, and was anxious to guard them; but he could not consent to act in such a spirit as that indicated by the Attorney-general, and which could not be otherwise than highly detrimental to the character of the House.

Viscount *Howick* protested against their being led into a debate upon a point which was not merely incidental but immaterial. If the House thought right to have an answer to the question, they could, no doubt, compel it; but he would respectfully suggest to the Attorney-general that it was not expedient to do so. It appeared to him that the answer would not have the slightest bearing upon the subject; because, assuming for a moment that Mr. Stockdale was a party really aggrieved—that the publication was in fact a libel upon him—that he had a *bona fide* ground of complaint; or assuming that any member of the House were in that situation—why, under such circumstances, he would be perfectly justified in sending a friend or a connection of his own to purchase the paper of which he complained, in order that he might have the opportunity of furnishing the necessary legal proof of its publication. In this instance Mr. Stockdale did not complain of the publication to his son; but of the publication to the world, of which the sale to the son was a proof. It appeared to him, therefore, that the question was entirely beside the subject, and as the examination of the party, and the subsequent debate upon it, were likely to extend to very considerable length, he begged to suggest that it was not advisable to enter into an incidental discussion upon an immaterial point at this period of the proceeding.

The *Attorney General* assured the House that he had no desire to put any question that, in his humble judgment, was not material to the elucidation of the point—whether a breach of privilege had been committed or not. If it were the opinion of the House that the question he had put to Mr. Stockdale had not a direct bearing upon that point—that it was not necessary to the elucidation of the matter so as to enable the House to form a correct opinion upon the subject, he would not persevere in it.

Mr. *O'Connell* said, that he thought the House ought to have all the circumstances of the case before it. The objection to the question in the present instance came not from the hon. baronet (Sir R. Inglis) opposite, but from Mr. Stockdale himself. But he really did not see why Mr. Stockdale should object to it, if the action had been brought by him *bona fide* to recover compensation for a real injury. There might indeed be a reason for objecting to it, if by possibility it could have happened that there had been a regular concoction of the action for the purpose of setting the House at defiance. He did not say that it was so; but unless it were so, he did not see why the question should be objected to.

The *Attorney General* resumed the examination of Mr. Stockdale, who was again at the bar.

Whom did you employ to procure a copy of the publication?—Is it necessary for me, Mr. Speaker, to answer that question?

The *Speaker:* You must answer the question.

Mr. Stockdale: My second son.

The *Attorney General*: What did you do with the copy which you so procured? I have it in my own possession now.

Has it ever been out of your possession from that time to this?—I believe not.

Whom did you employ as your attorney?—I respectfully submit whether that may not be an improper question for me to answer. Of course I have personally no objection. He is here in attendance.

Name him, if you please?—Must I do so?

The *Speaker*: You must answer the question.

Mr. Stockdale: Thomas Burton Howard.

The *Attorney General*: Have you brought any former actions against Messrs. Hansard?—I have.

When was the first action brought?—I think it was in 1837 or 1836, I am not quite certain.

Was that for a publication which took place by order of this House?—Yes, it was.

In that case, was there a justification that the book published by you was an obscene publication?—There was so.

Together with a general plea of not guilty?—I believe so.

Upon that occasion did not the jury find that the book was an obscene publication? —They did so in part; but I believe I shall be right in informing the House that the book itself could not have been put in but by my own special permission.

But was not the verdict for the defendant upon the ground that the publication was obscene?—There was a difference among the jury.

But was not the verdict given in favour of the defendant upon the ground that the book was an obscene publication?—Certainly not of the twelve, I believe.

Do you mean to say, then, that Lord Denman took the verdict of a majority of the jury?—It was partly on that ground that I moved for a new trial. That was one of my pleas; having observed that two, I believe, of the jurors had only given their consent to the verdict, *sub silentio.*

Was a new trial granted?—No.

Then, in that case, you recovered no damages?—Certainly not; nor did I receive any costs, which I believe I am entitled to at this moment.

Did you sue in that case *in forma pauperis?*—I did; but with no shame to myself.

Was the next action that you commenced entered upon because it was imputed to you that you had published an obscene book?—It was.

How did you procure the first copy, upon which you brought the first action? —By purchase, from Messrs. Hansard.

Was the purchase made by your son?—By the same son.

Did you procure the copy upon which you brought the second action likewise by your son?—I did.

Have you kept that copy in your possession ever since?—I believe so; I am not aware that it has been out of my possession; or if so only for a day or two, in the hands of my professional adviser.

Did you desire your son to go to buy it with the view of bringing an action?—Most certainly; and I believe, also, avowing that it was for that purpose.

The publication contained substantially the same imputation upon you?—It was another copy of the same.

In the second action, I believe, there was no justification that the book which you published was an obscene publication? —I don't think there was.

In the second action, you executed a writ of inquiry before the sheriff?—I did.

Did you show the book to the sheriff's jury?—No; because the case having gone by default, I had no occasion to show the book.

Are there any plates belonging to that book?—There are.

Did you show any of those plates to the jury?—No; it was the business, as I conceived, of the defendant to show anything that there was to be shown?

Was there any request made, in any quarter, that the book should be produced, and the plates shown to the jury?—There was, by Messrs. Hansard's solicitor, who, I believe, showed a book in court, which I did not know of, and which was very strangely put under the place on which I was standing, so that on sitting down I saw it, and asked whose it was.

But the jury did not see it?—Not from me.

Nor, as far as you are aware, had any inspection or view of the book?—I believe not. I referred them to Messrs. Hansard's solicitor, who, however, said that he was not in attendance for Messrs. Hansard.

Was that the same book that the jury had found an obscene publication in the first trial?—I don't know.

I do not mean the same copy, but the same work?—I don't know, it was generally the same: but whether it was the same edition or not I can't tell.

It was either the same edition, or some other edition of the same work?—That I can't tell.

Then you brought another action upon a third copy of Messrs. Hansard's publication?—Yes.

That was purchased also by your son?—Yes.

For the purpose of bringing an action?—Most certainly.

Had you at that time received the 100*l.* for the injury to your character, which was awarded in the second action?—I am not quite certain whether I had or not at that time.

Recollect.—If I had not then received it, I received it afterwards; but allow me to say, that instead of 100*l.* I believe I should have received 5,000*l.*, but for the omission of its being put to the jury at what sum the damages were laid.

The jury in the first trial, when the issue was, whether the book was or was not an obscene publication was, I believe, a special jury?—That I really don't know; but I do know that the Lord Mayor and Court of Alderman have stated that the book was strictly a professsional book, and that neither the book itself nor the plates were obscene.

Was that the same work?—That I don't know.

It might be a copy of another edition of the same work?—It is impossible for me to tell whether it was or not, because I have discovered that some of the works published by me have been pirated to a very great extent: and that the copies thus pirated are extremely imperfect, containing not the whole, but portions only of the work.

But did not the work, in all these instances, purport to be the work of a Dr. Robertson?—The work of which you are speaking, was the work of the late Dr. Robertson, and assisted by his brother, who were employed by Dr. Bailey.

Did you not know, that a letter was written by Dr. Bailey denying that the book was published with his authority?—I do.

And was not that letter introduced into another edition for the sake of giving currency and zest to the publication?—Yes; but I also know that Dr. Bailey wrote another letter, of which I have a printed copy (and I may have the original) requesting, after having the work in his possession, and after refusing, in the first instance, to have it dedicated to him, requesting anew that it might be dedicated to him, under all the circumstances.

What! a letter requesting that the work might be dedicated to him, after having expressed the greatest reprobation and disgust at it?—No, before that.

How long?—Many years; no less than eight or ten.

Now, will you allow me to ask whether you attended the execution of the writ of inquiry in the third action, and whether the book was produced on that occasion?—I did not witness it.

Were the plates produced on that occasion?—Not by me.

Were they produced by any one for the inspection of the jury?—I understand, that whilst I was addressing the jury, the plates were produced and sent round the table.

By whom?—Not by me; for I did not know of the existence of the book in the building.

You prevented the jury, as far as you could from seeing the book or the plates?—I told them that I had no copy of the book in court, and stated my reason for not producing one.

Did you bring your action with the view of contesting the power of the House of Commons to order the publication?—I submit, Mr. Speaker, that that is not a question for me to answer. I trust that I shall be protected.

The *Attorney General:* I withdraw the question, and now, let me ask you, have you had any notice served upon you with respect to the resolution of the House of Commons?—I have; I think two days, or it might be only one day, before the House rose last Session.

You had copies of certain resolutions of the House of Commons served upon you?—I had.

In the course of the proceedings, have you had other notices served upon you?—Yes; I think I have had two or three, but I am not certain.

Amongst these notices was there a copy of the resolution of the House, respecting the right of the House to publish what they thought proper for the information of the public?—Yes.

And that it would be a breach of the privileges of the House to question its power to order such a publication?—Yes; but, from my own reading and my acquaintance with the great statesmen of other times, I knew that the House did not possess that power.

Then you proceeded with the action, having received notice of the resolution of the House?—Certainly I did.

By Lord *John Russell*: Have you brought any copy of the notice you received with you?—No.

By Mr. *O'Connell*: In point of fact, have you any objection to admit that you brought the action to try the power of the House?—I trust I shall be protected from committing myself.

Mr. *O'Connell:* I think that the question may very properly be put.

Mr. Stockdale was ordered to withdraw.

Sir *R. Peel* begged to suggest whether the point could not be elicited in a better manner. In the schedule of documents attached to the petition of Messrs. Hansard, there was a letter purporting to be from Mr. Stockdale to Messrs. Hansard, which was in the following terms:

> "Gentlemen — The Commons, in Parliament, has usurped a tyrannic despotism, and having, with the reckless audacity characteristic of all vulgar assemblies or mobs, from the nursery to the plains of revolution, become desperately emboldened, by even so contemptible an advantage as that over a Polack and a Shaw, and refulminated its tremendous and concentrated powers against my pauperized person, I lost no time to seize the gauntlet, boastingly thrown down in the moment of factious exultation over a traveller and attorney, and, for the third time, challenged, single-handed, the would-be enslavers of my country. The action is brought against you for republishing the libel, and I hereby assert the unquestionable rights of Britons against an usurped privilege of the Commons in Parliament, and of which the solicitor of the Treasury was duly apprised at the same time with you.
>
> "I am, Gentlemen, your humble servant,
> "J. J. Stockdale.
>
> "27 August, 1839.
>
> "James and Luke G. Hansard and Sons, Esquires, &c. &c. &c."

Now, if Mr. Stockdale admitted himself to be the author of that letter, would there not be a distinct avowal of the whole point that the House wished to ascertain?

Mr. *O'Connell* withdrew his question, in order that that suggested by the right hon. Baronet might be put.

Mr. *Law* begged to suggest that Mr. Stockdale should be at liberty to make any explanation he might deem necessary; and not be confined to the mere admission that he wrote the letter in question. Because Mr. Stockdale might have written the letter under an impression that he had been injured by a tyrannical exercise of the power of the House; and with a conviction that he had a common law right of action, of which the House could not deprive him.

The *Attorney General* replied that Mr. Stockdale, in common with any other person who might be called to the bar of that House, would have ample opportunities of making any explanation he might deem necessary.

Mr. Stockdale was again called in.

The *Attorney General* addressing him, said: Will you be good enough to tell me whether you are the author of this letter? It bears date 27th August, 1839, and purports to be addressed by you to Messrs. Hansard. It is as follows: [the right hon. and learned Gentleman read the letter at length; and a printed copy of it was placed in the hands of Mr. Stockdale, who, as he received the book, said; Allow me to observe that I have never seen this book, Mr. Attorney.]

The *Attorney General*: Will you tell me whether you wrote the letter of which that purports to be a copy?—I do not at all doubt it.

Do you believe it?—I do not doubt it; but I do not know it, because I have not the original letter to compare with it.

By Mr. *Law:* Allow me to ask whether, when you wrote this letter, you were impressed with the belief that, as a British subject, you were entitled by the law of the land to commence an action?—Most undoubtedly.

Mr. Stockdale ordered to withdraw.

Lord *John Russell* then rose and said: After the statement made by Mr. Stockdale, I can only now move that Mr. Stockdale, having brought an action against Messrs. Hansard for the publication of a report ordered by this House to be printed, has been guilty of a high contempt and breach of the privileges of this House.

Sir *E. Knatchbull* wished to ascertain the exact course which the noble Lord intended to pursue. He took it for granted, that if the House should confirm the proposition of the noble Lord, he would move some resolution for the punishment of the party; but was it the noble Lord's intention to proceed immediately with that motion, or first of all call the Sheriffs and other parties to the bar?

Lord *John Russell* said his intention was to conclude the case with regard to Mr. Stockdale, and afterwards proceed against the other parties.

The resolution having been put by the *Speaker,*

Mr. *Law* addressed the House, and observed, that he did not consider a very precise case had been presented by her Majesty's Attorney-general, through the examination of the party at the bar, or that a case had been sufficiently made out to justify this court; in many of its outward forms it was a court, though it might not be in substance—to justify this House to proceed to adjudicate upon it in the terms proposed by the noble Lord. It was true they had extorted from the party under examination an admission that he had written a particular letter—a letter, no doubt, in point of style indecorous, in point of taste of the worst description, and in the application of its terms to be reprobated by any one of good taste or judgment; still, substantially, that letter merely asserted that a particular privilege claimed by this House was one which the legal tribunals of the country had not found to be substantiated—a privilege which he, as a British subject was prepared to contest in a British court of justice, and that as a party in such contest, and being further questioned upon the subject at the bar of the House, he most distinctly and unequivocally declared his firm conviction, that by the laws of the country he was entitled to maintain the action he had brought. And was it to be endured that the privileges of thisH ousewhich had been submitted to solemn adjudication in a court of justice, should not be controverted as a matter of fact by a British subject in other courts of justice? He was anxious that this House should not proceed with rashness, and find itself in a position from which it would be difficult, if not disgraceful, to retire. He, therefore, implored the House, at least not upon the meagre information before them, and upon such a case, to proceed to adjudicate that the conduct of Mr. Stockdale, in contesting their privilege, which they had themselves submitted to be considered and questioned in a court of justice, was thereby guilty of an infraction of the privileges of this House. He would rather for the dignity of the House, that that matter should be determined neither affirmatively nor negatively; and he should, therefore, propose, as an amendment, that Mr. Stockdale be now discharged from his attendance at the bar.

Sir *R. Inglis* seconded the amendment. He should have preferred that the House had not violated, as he thought it had violated, the spirit, however much it might have complied with the forms of a court of justice. He was perfectly convinced, that in no court animated by the spirit of justice would such a question have been put as was put by the Attorney-general to Mr. Stockdale. No judge would have permitted the last question, at least, to have been put to him, who, it should be remembered, was not a witness, but a party, and whose answer might have prejudiced himself. The letter would have been treated in a court as a privileged document. But, waving the question either of form or substance, he would ask the House to look to themselves alone, and now, as on a former occasion, to consider whether they were clearly prepared to go on with the consequences of the motion of the noble Lord. It was true that by an act of sovereign authority—because they had constituted themselves as sovereigns of this country—by an act of sovereign authority it was true, they might take one of their fellow subjects, and consign him to the prison of Newgate. In the first place he would ask, did they mean to state in the Speaker's warrant, that the commitment was for a contempt of the House of Commons? Was it to be specified in the warrant which the Speaker would officially sign, that John Joseph Stockdale stood committed for a contempt of this House? He would assume that that would be the case. What if John

Joseph Stockdale moved to-morrow for a writ of *habeas corpus?* Did they mean to say that the mere production by the sheriff of the Speaker's warrant would prevent the judges of the Court of Queen's Bench from liberating the party? [An *hon. Member*—"Yes."] Did they mean to say that it would stop an action for false imprisonment? He knew what the answer to his first question would be perfectly well. He was aware that when the warrant of the Speaker, if it did not come incidentally, but directly before the court, they would merely look to the Speaker's signature; but would that prevent the party bringing an action? He apprehended it would not. Upon that point, therefore, they would find new difficulties in their way next week. Did they mean to maintain that any person, against whom the Speaker's warrant was executed, should be denied his right to bring an action of false imprisonment against the party executing it? Was that the law of England? He felt entitled, supported by higher authorities than the authority of the Attorney-general, to deny that it was the law. He never had denied that any person, of whatever rank or station soever, who should, in the face of the House, commit a breach of privilege, could not be justly consigned by the warrant of the Speaker, to Newgate; but he did deny, in this case of constructive contempt, that the right of any subject to bring his action for false imprisonment against the officer executing the Speaker's warrant could be taken from him. Therefore, although he should have preferred a direct negative to the proposition of the noble Lord, yet he most cheerfully concurred in the amendment proposed. He hoped and believed that those who voted for bringing Stockdale to the bar, and had assisted in this inquisitorial proceeding, in which the very plaintiff to the action was made to convict himself, would consider, ere it was too late, whether they might not, with perfect consistency, assist the noble Lord's motion, and ere it was too late, escape from the difficulty into which the House had got itself. The present question was not directly before the House last night, and therefore, although there might be some loss of character on the part of the House in the eyes of the public were they to retrace their steps, still he thought they might, with less loss of character, retreat from the contest, than if they were to persevere in a contest which it was his most deliberate conviction, could only only end in the further degradation of the House.

Lord *Eliot* was anxious, before the House were called upon to vote, that the question should be distinctly understood. He wished to know whether the breach of privilege alleged against Stockdale consisted in writing the letter which appeared in their minutes, and which was so worded as to justify not only reprobation, but punishment? If this were the ground of their proceedings, he should, for one, give his concurrence to the motion of the noble Lord; but, on the contrary, if the question to be affirmed was, that Mr. Stockdale had been guilty of a breach of privilege for merely calling into question, before a court of justice, one of the assumed privileges of the House, then, in consistency with the votes he had already given, he could not concur with the noble Lord.

The *Attorney General* admitted, that the ground on which they were proceeding was not the particular language made use of by Mr. Stockdale in his letter, but it was the fact of his deliberately bringing an action to call in question the privileges of the House, and to treat as a libel that which had been published by order of the House of Commons. He thought that was ample ground for the House taking the step now proposed. The hon. and learned Gentleman, the Recorder of the city of London, had said that this was a meagre case. What facts did the hon. Gentleman want for forming his judgment? It was in evidence, and not disputed, that there was published by the authority of the House a certain report on which Mr. Stockdale brought an action. There was a justification pleaded, that the imputation cast was true, and that the book was an obscene publication. A special jury unanimously came to the conclusion that it was an obscene publication, there was a verdict for the plaintiff, and subsequently a new trial was refused. Then Stockdale brought a second action for the same cause, admitting, that he was at the time fully aware, that the publication was authorised by the House of Commons. To that action there was no plea of justification, but merely a demurrer to the jurisdiction, and Stockdale recovered 100*l.* damages. He then brought a third action for the same cause, admitting, that he employed his son to buy copies of the book professedly for the purpose of bringing his action. Without at all therefore relying upon the peculiarly offensive terms in which the letter written by Stockdale was conceived, it was enough to observe, that Stockdale stated in that letter, that he brought the third action because he denied, that the House had any such privilege as was claimed by it. Now, according to his understanding of the resolution on the journals of the House, passed almost unanimously on the 30th of May, 1837, it was declared, first, as essential to the just exercise of the legislatorial and inquisitoral functions of the House, that the power of publishing its reports, votes, and proceedings, should exist. Stockdale brought his action denying that power. Secondly it was declared, that it was a breach of privilege for any one to contest that power: Stockdale had done it. Under these circumstances, could any reasonable doubt be entertained, that a breach of privilege had been committed? The motion of his noble Friend was, that Stockdale had been guilty of a high contempt, and guilty also of a breach of the privileges of this House. And while those resolutions remained on their journals he did not see how it was possible any person could deny that proposition.

Sir *Robert Peel* had one observation to submit to the House, for the purpose of clearing up and removing every possibility of doubt and misapprehension as to the nature of the motion now before them. These proceedings would be left as matter of record; and he, therefore, submitted to the noble Lord, that the resolution ought distinctly to recite the offence by which the breach of privilege in this case had been committed. For instance, it ought to recite, that Stockdale had brought an action for libel contained in a publication which had been printed by the authority of the House; that the House had declared, that any person bringing such action was guilty of a breach of privilege; and that Stockdale, therefore, had been guilty of a breach of the privileges of the House. When he (Sir R. Peel) referred to the offensive terms contained in the letter, he did not do so for the purpose of aggravating the punishment of the party; he entertained no ill feeling against Mr. Stockdale on account of that letter; but he thought the resolution affirming the breach of privilege ought to recite the particular offence.

Lord *John Russell* confessed, that he was about, in the first instance, to move a resolution nearly in the terms suggested by the right hon. Gentleman; but after the Attorney-general had remarked (which he considered of very great importance), that if they recited the particular grounds upon which they adjudged that Mr. Stockdale was guilty of a breach of privilege of the House, and if the question came to be argued hereafter—seeing that their privileges were so much now in question—it might be said, that although the House had a right of inflicting punishment for any indefinite breach of its privileges, yet that an action and proceedings, with regard to the publication of a libel, was not a matter that came within that privilege. To specify, therefore, the particular grounds of Mr. Stockdale's offence in this instance might hereafter be made use of as an argument against the House. He agreed with the force of his hon. and learned Friend's objection, and he perfectly recollected, that it was likewise the opinion of his hon. and learned Friend, the Solicitor-general. His learned Friend, who had studied so long and deeply this question, was of opinion, that the House should be very cautious how they made any special affirmation in the resolution; and he was himself certainly more inclined to be cautious, in consequence of what had fallen from the hon. Member for the University of Oxford, because it appeared to him, that that hon. Baronet was disposed to go much further than the judges. The hon. Baronet seemed disposed to say, with regard to any commitment by the House of Commons, in the exercise of its power of committal, that although the House might, in certain cases, possess that power, still it might afterwards be made a matter of action in any court of law, to ascertain whether the House had exercised that power rightfully or wrongfully, and whether what had taken place within the walls of that House did or did not constitute sufficient ground for the House to exercise it in that particular case. He owned he saw, in every step they were taking, more and more an inclination on the part of some hon. Members of the House to raise difficulties and obstacles in the way, in order very much to lessen, if not ultimately to destroy, their privileges; it therefore became them to be particularly cautious what it was they asserted upon this subject. What appeared to him to be at present the proper course, was to exercise their right of adjudicating Stockdale to have been guilty of a high contempt and breach of privilege. Having so resolved, and having set the question, with regard to the power of the House, so far at rest, they then might proceed to consider what ought to be the punishment to be inflicted on the offender. This he considered to be the better course than that which the right hon. Gentleman suggested, although it was much like what he himself had originally intended to propose.

Mr. *Thomas Duncombe* agreed, that no doubt should exist in the mind of any hon. Member, and more particularly in the public mind, as to the course they ought ultimately to adopt in this matter. But he was satisfied that great doubt would exist in the public mind, unless there was stated in the resolution the particular offence of which Mr. Stockdale had been guilty. It appeared to him, that they were already shrinking from their own resolution, and that they dared not now put upon their journals that Mr. Stockdale was guilty of contempt for having brought an action. That really was what it now amounted to; and unless they did put upon their votes an exact statement of the offence, and a description of the breach of privilege of which Stockdale had been guilty, they might depend upon it the public would say that the House of Commons had sent Stockdale and the sheriffs of Middlesex, who were elected by the popular voice, to prison, without daring to state the offence they had committed; and they would say, that the House were smuggling those individuals into prison. He believed it was clearly understood yesterday evening, that no Member was at all pledged by the vote then given to go one jot further than that of calling the parties to the bar. Upon that understanding he himself took no part in the debate; for he really believed that the House would fail in doing justice to Mr. Stockdale and the sheriffs if they did not bring them to the Bar in order to account for their conduct. By bringing them to the Bar it would be doing them justice, because they would be able to state that they were not really the offenders; that they had acted under the sanction of the Court of Queen's Bench; that that court had said to them and the whole world "You shall not be wronged without receiving redress; if any one has injured you, come to us, and we will afford you relief." But what said the House of Commons? "You think we have wronged you by libelling you: but, nevertheless, you shall not go to the courts of justice for redress, if you do we will punish you for a breach of privilege and for a contempt of this House." That was exactly the position of the question at present, and he wished to know did the House intend to carry this matter out against those individuals, when they should state that they had acted under the authority and sanction of Lord Denman? He believed they would not. Why did they not act now as they acted last year, in regard, certainly, to a trifling case, but equally illustrative of the principle involved in this. During the passing of the Municipal Police Bill, there was a clause forbidding persons under sixteen years of age being served with spirits in public houses. But if a person under sixteen years of age drank spirits in a public house, was the penalty inflicted upon him? No: the penalty was imposed on the publican. Why not do the same with regard to these individuals? The sheriffs and Mr. Stockdale were no more to blame than Mr. Hansard; and why was Mr. Hansard, on the one hand, to be ruined with the expenses of these proceedings, or why were the sheriffs and Mr. Stockdale, on the other hand, they having acted with the authority of the Queen's Bench, to be equally crushed? He regretted to be compelled to take the course he should do on this question; but it would be in perfect consistency with what he had hitherto done. He voted against the resolutions of 1837, and, also, against the resolution of last year, and he should repeat that vote this evening. He had looked into the subject, and had listened to the various speeches made and pamphlets written upon it, and he most conscientously believed that the further they went, the greater injustice they would commit. He might be in error in his opinion; but, if he did err, he did so with many distinguished Members of that House, with the greatest authorities upon the laws of the country, and also with, he firmly believed, public opinion. He called on the House to hesitate before it would send any of the individuals summoned before it to prison; but above all, he hoped that the document which should record their decision should bear on the face of it the distinct offence upon which the alleged breach of privilege was to be declared.

Mr. *Pemberton* said, it was with sincere pain he offered any opposition to the course proposed to be taken in vindication of the privileges of the House. He was ready to admit, that if he considered only the merits of the particular case; and there were any occasion on which the House could interfere to stop any action of law, it could not assert its claim on a more favourable opportunity than the present. The plaintiff here had received 100*l.* damages, although he had received no injury, he had persevered in the course he had taken against the printer of the House, with full notice of the privileges claimed by the House, and there could be no public sympathy for him individually. But the great question for the House to consider was, whether they could do what they thought just in the particular case without inflicting a most serious wound upon the constitution of the country? The question which the House was then called upon to decide was, whether they should now assert a privilege, which they had asserted 130 years ago, which was then decided against them, and which, after that decision, they had abandoned up to the year 1837. He trusted that the House would feel convinced, that in the present state of public opinion, it was not advisable to advocate a claim of privilege, which, for 100 years and more, they had suffered to sleep in abeyance, and in contradiction to which there was a long and uninterrupted series of decisions. Whatever course the House might now think it necessary to adopt, he at least could not come under the censure of having suppressed his opinions on the subject, till the difficulties had arisen. He had felt himself, with the utmost pain, compelled to take a view of it adverse to that of the majority when the resolutions of 1837 were first submitted to the House. From that time to this he had endeavoured, again and again, however feebly and ineffectually, yet still honestly, and to the best of his ability, to point out the difficulties which existed, and which made, in his opinion, the doctrine of privilege now put forward, not only untenable in point of law, but utterly incapable of assertion, even if it had any foundation in law. It was most important that the House should consider what the question really was on which they were asked to decide, and though he knew that the opinions he was uttering were not palatable to the House, he would earnestly request the noble Lord who took the lead in this matter, to consider whether there was any legal foundation for the extravagant claims of privilege now set up. They were now called upon to vote Stockdale guilty of a breach of privilege for having commenced and prosecuted an action which the House of Commons had declared to be unlawful, and a breach of privilege, but which the courts of law had decided to be maintainable. In what situation did this matter stand? Stockdale had brought an action against the Messrs. Hansard, who had permitted judgment to go by default. Now, the effect of permitting judgment to go by default necessarily was the admission by the defendant of wrong done, and of the plaintiff's right to recover in the action, leaving for future consideration only the amount of the injury which had been inflicted. The Messrs. Hansard, under the direction of the House of Commons, no doubt, had permitted judgment to go by default; they admitted having published a libel upon the plaintiff, who had thereby sustained damage. In this state of things, what, he asked, could the court of justice do but that which it had done? Upon what point could it even exercise any discretion, supposing that it were desirous of reviewing its decision? Nothing, in fact, remained, but to ascertain the amount of damage done to the plaintiff. The House was now asked to pronounce the bringing of any action which the House denounced to be a breach of privilege, punishable by way of imprisonment. Now he would ask, whether this question was not raised in this country in the commencement of the last female reign, whether it had not then been decided against the House of Commons, and whether the House had not in every instance, until the resolution of 1837 was passed, acquiesced in the decision? If it should be found that this was the case, he would implore hon. Members not to permit themselves to be led away by a totally different consideration, whether the judgment of the Court of Queen's Bench, as to these papers being privileged or not, was a right or wrong decision. The question which they must now decide was, whether the House had a right to interfere to stop the prosecution of an action on the ground that it involved questions affecting its privileges, and that such questions were not cognizable in any court of justice. Personally, he had no more regard for the courts of justice than for that House, but he earnestly trusted that the House would not enter into a conflict which must have consequences most pernicious to the country, unless they were quite sure both that it was necessary, and that they were in the right. This very point in the same form had arisen in the great case of "Ashby and White," referred to by his hon. Friend last night. It had been then decided, he said, not whether rightly or wrongly, against the House, and from that time to the year 1837, though case after case had occurred in which exactly the same question arose, the House of Commons never once disputed the decision. They had now resolved that it was the right of the House of Commons to publish whatever they might think fit to send forth to the public; that no court of justice had the right to consider the propriety of that publication; that it was a breach of the privileges of the House to bring an action which the House might declare trenched upon their exclusive privileges; and it was for having violated that resolution that it was now proposed to commit Stockdale, and would be, he presumed, afterwards proposed to commit the sheriffs and other parties concerned in the business. It was because the sheriffs had presided over the jury, and levied the damages upon a writ of execution, that they were now called upon to appear at the bar. Had or had not this very proceeding been formerly declared by the House of Commons to be an offence, had or had not the question been determined against them? In the case of "Ashby *v.* White" in 1703, the question which arose respected the exclusive jurisdiction of the House of Commons quite as much as any that could possibly arise about the publication of papers. That case was an action brought by a person at Aylesbury against the returning officer for illegally rejecting his vote. The House of Commons had declared, on that occasion, that the right of voting for a Member of Parliament was a question to be decided exclusively by the House of Commons. That, no doubt, was just as much the subject of exclusive jurisdiction as the right of publication. It was so for the purpose of the return; but it was not within the exclusive jurisdiction of the House to determine the right of the elector to recover damages for a wrong done to him, any more than it was now in the exclusive jurisdiction of the House of Commons to determine whether Stockdale should recover damages for the wrong which Hansard upon the record, admitted to have been done to him. The House of Commons upon that occasion took up the question exactly as it had done now. They passed first a resolution, that the qualification of electors of Members of Parliament is determinable only before the House of Commons; next, that Matthew Ashby, having, in contempt of the jurisdiction of this House, commenced and prosecuted an action at common law against W. White and others, constables of Aylesbury, for not receiving his vote at an election for a Member of Parliament for the borough of Aylesbury, is guilty of a breach of privilege; and lastly, that no person shall presume to commence or prosecute any action or indictment of this description, and that all attornies, counsel, and others, guilty of aiding and abetting the same, are also guilty of a breach of privilege. He asked if there was any distinction between the present case and that of "Ashby and White." In both instances the House had resolved that the subject matter of the action was of its exclusive jurisdiction, and that its prosecution was a breach of privilege, subjecting the plaintiff to the consequences of a contempt. What, then, was the result of the cese of "Ashby and White?" The House of Commons of that day did what the House was now called upon to do—they committed the plaintiff in the action. Now, if the House at that time failed in its attempt to extend the doctrines of privilege, and if for 130 years they had never sought to disturb the settlement then come to, though adverse to themselves, he would most humbly entreat them to pause before coming to a vote, which once passed could not be recalled, and the consequences of which no man in the House could foresee. This was no partisan question, and if by any personal sacrifices he could prevent the agitation of it, there was none which he would not make, but he believed the question to be of the very essence of the law. The House would, he was sure, permit him to state the result of the case to which he had referred. Did the committal of the plaintiff stop the action? It did not. Judgment passed against the defendant in the action; he refused to pay, as Messrs. Hansard refused to pay, the damages; and in the course of a regular process of law, he was committed to prison. He hoped the House would be guided by the effect of the proceedings on that occasion, and earnestly consider whether the same consequences must not inevitably follow in the present case. The House committed Ashby for a breach of privilege, and the Court of Queen's Bench committed the defendant for non-payment of damages. Did this proceeding strike terror into the delinquent? It occasioned no less than fourteen new actions. In every one of these actions the plaintiff was committed by the House of Commons. Did that stop the prosecution of the actions and the recovery of the damages? Not in any one action. The result of the present proceedings would inevitably be the same. He thought his learned Friend the Attorney-general, though he might probably have misunderstood him, had asserted, that the resolution of the House in the case of "Ashby and White" never came before the House of Lords.

The *Attorney General* explained, that what he had said was, that the case came before the House of Lords on a motion in arrest of judgment. The House of Lords as a court of error, could only consider the record, which made no mention of the resolution of the House of Commons, and therefore he had said, that the resolutions of the House was not before the House of Lords.

Mr. *Pemberton* was quite sure that his hon and learned Friend had not been intentionally inacurate, and that he had misunderstood him on the former occasion, but it did not in the least affect the point to which he was anxious to draw their attention. They were told, that the privilege now in question was not the privilege of the House of Commons only, but of Parliament; that the Houses of Lords and Commons were the court of Parliament, and that it was from their decision that the Queen's subjects must take the law of privilege. He implored the attention of the House to what the House of Lords had resolved upon this subject, on which it was said the jurisdiction of both Houses was concurrent, and of equal authority. The resolution of the House of Lords of the 27th of March, 1704, was, that any person has a right to maintain an action against an officer who illegally rejected his vote; that the declaring Matthew Ashby guilty of a breach of the privileges of the House of Commons, for prosecuting an action against the constable of Aylesbury, for not receiving his vote at an election, after he had, by the common and proper methods of law, obtained a judgment of the court for the recovery of his damages, is an unprecedented attempt upon the judicature of Parliament, and is in effect to subject the law of England to the votes of the House of Commons. He was unwilling to excite any warmth of feeling on this subject; he was most anxious that the House should regard only the simple justice of the case. The second resolution of the Lords was, that the deterring an elector from prosecuting an action in the ordinary courts of law, when deprived of his right of voting, and the terrifying attornies, solicitors, counsellors, and serjeants-at-law from soliciting, prosecuting, and pleading in such causes, by voting their so doing a breach of privilege of the House of Commons, is manifestly assuming a power to control the law, to hinder the course of justice, and subject the property of Englishmen to the arbitrary votes of the House of Commons. He said nothing as to who had the right in this question —Lord Holt and the House of Lords, or the House of Commons. But the resolutions of the two Houses on this subject, on which it was said their jurisdiction was concurrent, were in diametrical opposition to each other, and whichever of these had since prevailed and been acquiesced in by the other party, must be taken as deciding the law. Would any one say that the privilege of the House of Lords or House of Commons was worth one farthing except as it was part of the law of England? It was because the privilege of both Houses was part of the law of England —a part entitled to as much reverence as any other, but to no more—that it was entitled to the respect and obedience of all the Queen's subjects. For the same reasons, and no other, a necessary consequence had followed, that whatever court had jurisdiction in a particular case to decide upon the law of England, had jurisdiction to decide upon a point involving that privilege which was part of the law of England. There was no distinction in this case between the privilege of the House of Commons, or the House of Lords, and the prerogative of the Crown. They all stood upon the same ground, and, however invidious it might be to tell the House that a court of requests would have the power of deciding upon its privileges, yet he would ask if their privileges were greater than any other part of the law on which these courts might decide, or the prerogative of the Crown, on which they might decide? It was not because those courts had jurisdiction specially over the privilege of the House of Commons, or the privilege of the Lords, or the prerogative of the Crown, that they decided the action which gave rise to this debate, or any other action, but because those privileges, and that prerogative, were part and parcel of the law of England, recognized and obeyed by the Queen's subjects. For this reason, and for no other, they were entitled to our obedience, and, being entitled in that character to our obedience, they must be subject to the determination of those courts appointed to administer the law. Now, what was the result of the case of "Ashby *v.* White," in which the very question now at issue was raised? The consequence of the conflict between the House of Lords and the House of Commons was this—that the House of Commons committed, as the House was now about to do, the attornies and solicitors, and they did what he confessed it appeared to him the House was on the same principle called upon to do—they committed the counsel also. Now, he would ask the House, not that he was at all desirous of seeing the course which they were about to take extended to the counsel also, but he would ask them why, when they committed the attorney, they would not commit the counsel in the action, three in succession? And permit him to say, though not in a tone of defiance, that if they did commit the counsel, they would not stop the proceedings, though there should be 300 committed. Let them not think, that by committing half the bar they would deter the remaining counsel from lending their assistance to suitors in a court of justice. On that occasion, however, the House of Commons committed the attornies, the agents, and the counsel in the cause. Now, what was the result of that proceeding? The House of Lords committed in their turn the officers of the House of Commons. This proceeding was followed by a prorogation of Parliament, and what was the result of that prorogation? Every one of those individuals who had been committed by the House of Commons was that very moment discharged, and the consequence was, that every one of the plaintiffs recovered the damages which he had obtained in the action at law. Now, this must be the result in the present instance. But, he would ask, did the House of Commons renew the conflict? Did the House, after that prorogation, re-assert the claims which had been made? Because, if they did not, every man must see that, right or wrong, they acquiesced in the decision of the House of Lords, when the sole question was, whether they would part with the privilege claimed by the House of Commons of closing the doors of the courts of justice against the Queen's subjects in all cases which involved the privileges of the House of Commons. And what was the feeling of the public with respect to those who had been imprisoned by the House of Commons? What did Burnett say on the subject? He told us that the people flocked in hundreds and thousands to them, considering them as martyrs in the cause of the public; and he also told us that the investigation brought into discredit the privileges of the House of Commons; and further, that the result of that investigation was found to be—a conclusion in which he could not agree with the reverend Prelate—that the House of Commons had no power to commit any body but their own members. Now the House would not deny, he was sure, that the question at issue did arise in the case of "Ashby *v.* White," and that it was decided. Had there been any subsequent occasion on which that determination had been rescinded, and if not, had there been any occasion on which the decision might have been reversed? In the course of the very next year a similar action to "Ashby *v.* White" was brought; precisely the same question arose, and the House of Commons never interfered. Had no subsequent occasion arisen in which there had been afforded an opportunity of interfering. He entreated hon. Gentlemen to recollect that the question was not whether the privilege now claimed were valid or not in law, but whether it were examinable in a court of justice. Now, had or had not cases arisen since the decision in "Ashby *v.* White" in which that question had been tried? If so, had the House of Commons interfered to stop the actions. They all of them knew that such cases had arisen, and that they were not only numerous, but might even be divided into classes. Now, was there one privilege more desirable than that the House of Commons should have the power of publishing a correct account of what was spoken within the walls of Parliament? The House claimed the privilege of publishing with impunity its votes and proceedings; but was it not equally important that what the House permitted to be published in the course of their debates should be truly and fairly laid before the public? Had the public no right to know the grounds on which their representatives founded their votes, and the facts on which they had relied in arriving at a decision? If they had such a right, surely it was essential that the debates should be presented to the public in the most accurate form, and they should not be left to the inaccuracies of the reporters, which were formerly great, although the debates were now almost as accurate as they could possibly be. Now, although it might be material that the House should have the privilege of publishing whatever papers and evidence they might think necessary, it was, to say, the least, quite as important that they should have the power of publishing the debates which contained the foundation of their votes and proceedings. Who, he would ask, read these enormous cart-loads of rubbish which were constantly issued by that House, and which were afterwards only available as waste paper? The way in which they were communicated to the public, that was to say their pith and marrow, was in the form of debates, and therefore it was important that the House of Commons should be at liberty to publish those debates. But here, again, their privilege was not the privilege of publication, for he had only to call the attention of the Speaker to what he would then only put as an hypothetical fact, that he saw strangers in the gallery, and that moment, although every Member in the House were to vote against him, the House must be cleared. Now, what was the reason of this? That their privilege was one of secrecy and not of publicity—because they pen up at at ime when secrecy was considered necessary for the protection of Members. It was because, when the privileges of the House of Commons grew up, they were intended and applied for the protection of the House against the Crown, and it never was intended that they should be used against the people. Privileges were intended to be means of defence, and not instruments of tyranny. They all of them knew that cases had again and again been brought before the courts in which these questions had been entertained. It was not necessary to go over all of them; he would take the last and greatest case of all, that which brought the principle contended for to the severest test. The House of Commons committed Sir Francis Burdett for a speech made by him in the House of Commons. Sir Francis Burdett told the House of Commons, "I will do that which you are so apprehensive of—I will make the question of your privileges the subject of a decision in the House of Lords." He did so; and did so in the boldest manner. He brought an action for false imprisonment, not only against the officers of the House, but also against the Speaker himself. Now if there ever was a case in which the House of Commons were authorized to stop an action, that was it. But the House did not do so, because they found that ever since the case of "Ashby *v.* White," privilege, like prerogative, had been examined in the courts of law, and, finding this to be the case, the House of Commons did not degrade, but rather ennobled itself, by setting the example of the Representative Majesty of the Commons bowing to the superior majesty of the law. The question of privilege was argued in that case with the concurrence of the House of Commons, and the question was decided in their favour. But the result of the inquiry was wholly unimportant to the present question. Let hon. Members recollect that the question now at issue was not whether the privilege claimed existed, but whether the claim was to be tried in a court of justice. The question was, whether the House would interfere, not by law, but in the absence of law, and in defiance of law. But it was impossible to conceive a case in which the House of Commons was more bound to interfere than in the case of "Burdett *v.* Abbott." Sir Francis Burdett brought a writ of error, and had the very point tried before the House of Lords, and after the House of Lords and the Queen's Bench had decided against him, he brought another action against the officers of the House of Commons. In neither of these cases did the House of Commons say, "This is a question which shall not be tried by the courts of law." He earnestly, then, implored hon. Members not to enter now into a conflict in the assertion of a privilege which had not been asserted for 130 years. He laid aside for the present all considerations relating to public opinion. He was quite satisfied that eventually the popular course would be that which it was the right and just course to pursue. But he asked the House not to advance the claim which had been made until they were satisfied that the decision in "Ashby *v.* White" had been in some measure reversed. He would now call the attention of the noble Lord opposite to the consequences to which this motion, if carried, would lead. He would assume that the House of Commons would act on the resolutions which it had passed affirming this principle, that the House of Commons would in no case permit the courts of justice to entertain questions which involved the consideration of their privileges, and that the House would take the high course which they had already taken in the last action, and refuse to appear again to any writ. He asked them to consider what would be the necessary consequence. He took it that Mr. Stockdale was not a person bound by any peculiar ties to any peculiar place. Now, why had he appeared before them on the present occasion? For this reason, they might depend upon it—because Mr. Stockdale knew, perhaps better than they did, what the tone of public opinion was on this subject. The House first tried the action on the merits, and the jury decided in their favor. In the next action the House of Commons refused to defend on the merits, but stood on its privilege, as excluding the plaintiff from his right to sue. This being decided against them, they refused to appear on the assessment of damages, and the jury gave Mr. Stockdale 100*l.* as damages. Why did they do so? For the same reason that they gave large damages in the case of general warrants, because they thought that the House was asserting a privilege which was inconsistent with the law of the land, and the liberty of the subject. In the second action, therefore, they gave 100*l.* damages; but the House still persisted in the publication, and a jury then gave 600*l.* damages. Why so? Not because Mr. Stockdale had sustained any injury, but because they thought, rightly or wrongly, that the contest was not between Mr. Stockdale and Mr. Hansard, but between the law of the land, and the liberties of the subject on the one hand, and the despotic power of the House of Commons on the other. Now, the House was about to commit Mr. Stockdale, but why would they commit him? Because he chose to be committed, and he would make an annuity and an income out of that determination. A prorogation at the end of the Sesssion would release Mr. Stockdale. But he might be released much sooner. A dissolution was not impossible. If the House proceeded in this course, it was certain. Did any man believe that the House of Lords would recede from their own resolution, in which they were supported by the law, and which was confirmed by the acquiescence of the House of Commons for 130 years? What then would be the consequence of a conflict between the Houses of Parliament? But suppose a dissolution did not take place, there must be a prorogation. What would be the effect of that? Mr. Stockdale would be in prison until either a prorogation or a dissolution took place, and the moment afterwards he would bring an action for false imprisonment. They might tell him that the action would not lie. But they would refuse to put their defence on record—they would not submit a defence to a court of law; they would let judgment go by default; they would repudiate the protection of the judges—they would have nothing to do with it. They must adopt this course if they meant to preserve any colour of consistency. Otherwise it would be justly said, that they were willing to admit the jurisdiction of the law, when they had a good case, and denied it only when they had a bad one. They could not therefore appear to such an action. He defied them, then, to take that step, without exposing themselves to the ridicule of the whole civilized world. Did they doubt what would be the result of an action? Did they not remember that the people were represented in that court by the jury, who, whether rightly or wrongly, he cared not which, had given damages to the amount of 600*l.* in a case where there had been no injury inflicted? He would ask the House whether, if Mr. Stockdale were thrown into a dungeon for six months, a jury would give less than 6,000*l.* instead of 600*l.*? He thought they would not. Let the House observe by what accident it was that they were able to interfere now. If Parliament had not been assembled until the usual time, and if it had not been for an unusual circumstance, an event in which all Her Majesty's subjects most cordially rejoiced, the damages which had been given would have been recovered—the 600*l.* would have been in Mr. Stockdale's pocket, and he would have been in France before the meeting of Parliament. There he would have stayed until Parliament was prorogued, and then he would have returned to England, purchased another copy of the work, brought a new action, and recovered new damages, and have returned to France to spend them. A Royal marriage would not take place every year to bring about a meeting of Parliament within the first four days of term. As surely, then, as Parliament would be assembled at a later period, what he had stated would take place. Was that a desirable state in which to place the law? Whatever view other hon. members might take of the nature of this contest, he ventured to declare that the contest really and simply was, whether they would proceed with the law or against it? What would be the consequence of their present course? What was the very next motion to be brought before the House? What did they intend to do with the sheriffs? Let them not say "We are not discussing the question of the sheriffs." The two questions could not be separated. Whose officers were the two sheriffs? They were the ministerial officers of a court of justice, and had no more discretion about levying or not levying an execution when directed to do so than about the most absolute part of their duty. They were the mere machines for executing the processes of the court. They could not refuse to act, for if they did attachment must necessarily follow. But what was it the House called upon the sheriffs to do? To disobey the orders of the court of which they were officers and the mere machines, without possessing any discretion, and being bound by oath to execute the commands of that court. It was not merely the order of the judge upon the bench which they called upon the sheriff to disobey, but the order of Queen Victoria, pronounced in due course of law in in that court of which they were the servants. The House might send the sheriffs to Newgate, if they would; but could they free them from the obligation of the solemn oath which they had taken in the face of God and their country to do their duty as the servants of the court whence process had been issued? Would they proceed to deal in that manner with those officers because they thought they could condemn them in safety, and suffer the higher powers, under whose commands they had acted and were bound to act, to remain untouched? What had been the conduct of those officers? They had acted with great caution; they had not acted spontaneously; but they seemed to have paid more respect to the opinion of the House than, perhaps, was consistent with that rigid performance of their duty which justice required. Was there any one hon. gentleman in the House who would agree that it was just to commit a man for doing that which it would be a gross violation of his duty not to do? Would they commit the Sheriffs of London for doing that which they said was illegal, and refused to contest the point of legality with the power which was the source of the proceeding? They would commit the sheriff, and yet would not venture to touch one hair of the head of the jury who gave such exorbitant damages for the plaintiff. They would commit the sheriff, who had summed up the case to the jury in his capacity as presiding judge, and who did all he could to mitigate the damages, and stated the case for them when they would not attend to state it themselves, and yet they would not touch the jury who awarded the damages. They would attack the attorney for the plaintiff; but where was Mr. Platt, a Queen's counsel, and Mr. Carrington, the counsel for the plaintiff, who had argued the case before the judge, and disputed the privileges of the House in plain and express terms? Why did they confine themselves to the small game, who were too weak and feeble to resist them, and refrain from entering into a contest with the more powerful condemners of their course? Against the Chief Justice and the judge who pronounced the law to be against the House they had taken no step—he was obliged to say—because they durst not. But if they would take a manly course, they would at once call upon the judges to come to the bar of the House and tell the House why they had presumed to administer the law of England according to their own oaths, and that which in their consciences they believed to be the law. Why did they not summon Lord Chief Justice Denman to the bar, and ask him how he had dared, upon a point coming before him in controversy in an action between two individual, to express an opinion and administer the law upon the privileges of the House of Commons, those privileges being part and parcel of the law, and for that reason only coming under his consideration and for that reason alone being worth one straw? What did Lord Chief Justice Holt say in the case of the Earl of Banbury? That persons had been indicted for murder. The House of Lords having decided that he was not Earl of Banbury, and the question having occurred in the King's Bench whether such determination was conclusive upon the judges of that court, they decided that it was not conclusive, and that upon the record before them they must hold (in opposition to the resolution of the House of Lords) that he was Earl of Banbury. Nothing could illustrate more strongly the sense in which either House of Parliament was the exclusive judge of its privileges. The House of Lords was exclusive judge for the purpose of determining whether Mr. Knollys was Earl of Banbury, for the purpose of sitting in the House of Lords. They decided that he was not, and his representatives have ever since been excluded. When the same question came before the Queen's bench in a matter arising for their determination they had exclusive jurisdiction, they decided differently from the House of Lords, their decision was conclusive, and the result was that Mr. Knollys was not heard at all. Lord Chief Justice Holt was required by the House of Lords to answer for his decision against their decision, and the answer he gave was that which he presumed Lord Denman would give, and that which he trusted all men who presided in a court of justice when placed in like circumstances would never want the courage to give—it was, that when he was summoned in due course of law to explain the judgment he had given. he would give an explanation, but that he would never give it at any other time or in any other place. The fact was, that according to the reporter of those times there was much talk and vapouring in the House of Lords, but it all ended in smoke. He urged upon the attention of the House the necessity of settling this question, and establishing the law by the concurrent determination of Parliament, they would then have satisfaction amongst the people upon this subject, and no difficulty or opposition on the part of the courts of law. That course they would be obliged to take at last, and he therefore put it to them whether it would not be more manly to do so at once, than to go on in the present unworthy conflict, in which, whether they were worsted or victorious, they could gain nothing but discredit.

Sir *C. Grey* said, there is some inconsistency in the arguments which the honorable and learned Member for Ripon has addressed to our fears. For, first, as if to check too great a boldness, he has drawn a picture of the consequences of our proceedings, in which the most appalling object is that of the judges standing at the bar of the House; and, then, he has taunted us, as if for cowardice, in not daring to bring them there at once. If I saw any precipitate rashness in our proceedings, I should be as anxious as the hon. and learned Member to check it: but, when I recollect the length of time since this question first arose—the laborious investigations of more than one select committee—the repeated resolutions of the House—and that this is the third action at law which Stockdale has brought against the servant of the House, in defiance of those resolutions, it seems to me that we have acted with a proper caution and deliberation; and that, if we have at last come to a conclusion to which we are prepared to adhere, all intimations of danger, and especially from a member of the House, ought to operate as incentives to an energetic progress, and not as inducements to a wavering inaction. Being myself one of the profession of the law, and having held for several years the highest judicial station in India, I have approached the consideration of this question without any prejudices either against courts of law or the judicial office: and I do not go so far as, it seems to be considered, that the arguments of her Majesty's Attorney-general, and, indeed, some resolutions of this House, have gone towards precluding courts of law from all consideration of the orders of either House of Parliament. I cannot, upon that point, find any distinction which is completely satisfactory to my own mind between prerogative and privilege; and, just as I think that the courts may be called upon to look at the order of the sovereign, whether it be for the levy of ship money, or any thing else, to see if it be within the prerogative; so, if the ordinary working of the machinery of a court of law brings before the judges any order of this or of the other House of Parliament, I think the judges are bound to consider whether it is, upon the face of it, an order which may be legal, or is one which cannot possibly be so. If it is an order which any facts or circumstances would support and justify, they have no right to inquire whether those facts or circumstances have existed, but must presume, in favor of the order, that they did. If, on the other hand, an order were to be brought before them which no facts could possibly justify, such as an order for the Sergeant at Arms to put a party to death, it seems to me that the judges would be bound to disregard it, and to treat it as a nullity. But, even in that extreme case, this House must rescind its order from becoming itself, convinced of its illegality, and not because it is compellable to do so by force of the judgment of any court of law: and whenever the House remains satisfied, as it does in the present instance, of the legality of its order, it is impossible for it to regard any prosecution of those employed to execute the order as anything else than an interruption of its proceedings, and a breach of privilege by whomsoever it may be committed. The cases of Ashby *v.* White, and of Burdett *v.* Abbott, do not appear to me to affect, in any way, this position. There has never been an assent or acquiescense on the part of this House, which any one can seriously regard as having given such force to the resolutions of the House of Lords in the case of Ashby *v.* White, as to bind the House of Commons to take the definition of its privileges from the decisions of courts of law; and, according to the opinion which I have already expressed of its being open to the courts of law to take a limited cognizance of our orders, I see no inconsistency with our present proceedings, in the fact of the Attorney-General having gone before the judges either in the case of Burdett *v.* Abbott, or recently in one of the actions between Stockdale and Hansard, to argue as to the legal effect of the orders of this House. In both cases I conceive that the Attorney-general felt a confidence that he could shew to the judges that the order was one which it was within the privileges or lawful powers of the House to make, whenever it might appear to the House that circumstances called for it; and that the judges would respect it without entering into any enquiry whether such circumstances had or had not excited. In Burdett *v.* Abbott, these expectations of the Attorney general were realized in Stockdale *v.* Hansard, they were not. Upon the questions, therefore, that are now before the House for decision, I consider that if we continue to think the order to Hansard to publish our proceedings was justifiable, it is impossible for us to do otherwise than regard all who have attacked or prosecuted those who were employed to carry that order into execution as having committed a breach of privilege. But although in technical language it may be convenient to denominate every breach of privilege, a contempt, it is plain that the several parties stand in very different degrees of actual offence towards the House. Stockdale is entirely a volunteer; a private person, not called or led into this contest by the duties or functions of any public office, but one who, in pursuit or defence of what he supposed to be his interests and rights, chose to set up his own opinion against the resolutions of one of the principal bodies of the state. He, without taking into consideration the tone of his letter, which has been read at the bar, may fairly, and, without resorting to technical language, be deemed to have been wilfully guilty of a contemptuous and contumacious defiance of the House of Commons. The sheriffs, on the other hand, it is but fair to suppose, have done nothing more than what they were convinced they were called upon to do by the obligations of the public office which they hold; and, as to them, the object of the House must be not to punish, but merely to do what is absolutely necessary for the assertion of our privilege, and the protection of Mr. Hansard, the servant of the House. As to the judges, according to the view which I take of their duties, all we have to complain of is an erroneous decision: and thus vanishes, from before my eyes at least, the alarming vision of those venerable personages standing at the bar of the House. I can indeed imagine cases, in which, for the vindication of our privileges, it might become necessary to call judges to the bar of the House, but no such case seems to me to exist at present, and I hope it never will. With a reference, however, to the further progress of this case, and as I have never yet found an opportunity of stating my opinion on the legality of our original order for the publication and sale of our proceedings, I will now do so, but without entering, at present, into any reasoning on the subject. My opinion then is, that occasions may arise, in which it may be necessary for the due performance of its duties, that this House should publish its proceedings to all the world; and that no one but the House itself has any right to determine whether those occasions have arisen or not, or how long they continue. The common and general law of the land recognizes many cases in which the publication of matters injurious to the reputation of individuals is permitted, and privileged even in private life, upon the ground that it is called for by a degree of public convenience, and general expediency, which is of more consequence than the protection of reputation. Thus, in giving the character of a servant, you may say with impunity, if only it be said with honesty, what may render it impossible for a servant ever to obtain another service; or, if it be a woman, that which may make her an outcast of society. Communications of a similar nature may be made between partners in trade, or others who have a common interest in knowing the truth respecting the subject of the accusatory statement. There is no question made by any one, but that amongst the Members of the House of Commons likewise, there is even on these grounds a privilege of making such communications, but the doubt raised is as to the extent and degree of publicity to which the privilege extends. To me it seems, that a careful and full consideration of the vast scope of the powers, and functions, and duties of Parliament, will satisfy any one, that it may frequently be the case, that nothing less than a general and indiscriminate publication to all the world, will either sufficiently inform all who have a manifest and legitimate interest in the proceedings of Parliament, or will enable the House of Commons to act energetically as the grand inquest of the nation, or to take its share in legislation without the risk of doing more harm than good. The four judges of the Queen's Bench are reported to have themselves admitted freely, in their judgment of the 31st May, 1839, that the House is privileged to publish accusatory matter in its proceedings—to have admitted, also, that there is no statute, nor any text of law, nor any judicial decision which has fixed the mode or extent of publication; but to have adjudged and determined upon grounds of analogy and deductions from legal principles, that the publication must be confined to Members of the House; and to have gone so far as to say, that the papers of a Member containing accusatory matter ought to be destroyed at his death by his executor. We, Sir, as it seems to me, may affirm on the contrary, that the judges by admitting, as they could not help admitting, the right of any publication at all of accusatory matter, for Parliamentary purposes, have admitted our whole case; that there is no other foundation for the precise degree of publication which they are willing to concede to us than, I will not call it the fancy, but the reasoning of the judges; that no reasoning can enable a judge to perceive better than the House of Commons itself can perceive, from the facts and circumstances with which it has to deal, the extent of publication which is necessary for the right conduct of its proceedings: that, for the justification of its acts in the eyes of those of whom it is the representative, it is necessary, that the House should have the privilege of making, not only its own Members, but the people at large, acquainted with the grounds on which it acts: that this is especially necessary when those grounds are the crimes of individuals, or the misdeeds of whole classes of the people: and that a continually progressing publication of voluminous printed proceedings for the use of the British Parliament is necessarily and unavoidably a publication to a vast many others than the Members themselves. Sir, neither my veneration for the solemn office of the Judges, nor my sincere and deep respect for their learning, talents, and worth, nor my regard for them as private persons, can prevent me from saying upon this occasion in my place in this House, and for the important purpose which we have in hand, that to me it seems to be in the highest degree unreasonable, and nothing less than absurd, to acknowledge the existence of a privilege of publishing and printing accusatory matter in the proceedings of Parliament for the perusal, use, carrying about, discussion, and debate of 658 Members of the House of Commons, and of all the Peers of the Realm, and of the officers and clerks of both Houses, and of the several persons whose duty it may be to advise her Majesty as to acts of legislation, and, at the same time, to attempt to establish, on no basis more substantial than that of legal deductions and argument, a prohibition against any of that numerous body of communicants, or any of those who are employed in the printing and publication of the documents permitting either wilfully or by negligence, that any one, but themselves, should obtain a sight of such particular passages in the vast mass of printed papers as may affect the character or offend the feelings of any one.

Sir *E. Sugden* rose, not for the purpose of carrying further the discussion of the question then before the House, but rather for the purpose of putting a question to the noble Lord opposite, and to the hon. and learned Gentleman the Attorney-general. There appeared to him to be considerable difficulty in carrying the discussion much further at present; but, without occupying the time of the House with any observations of that nature, he should content himself with inquiring from the noble Lord and the learned Attorney-general, what they intended to ask of Mr. Stockdale when he should next appear at the bar of that House—what did they propose to do when the time came for asking Mr. Stockdale whether he had anything to offer in defence or explanation of the conduct which he had pursued? Was it their intention to put that question at the next stage of the proceedings, or at that which was to follow the next? Did they mean to make the enquiry when he was called to the bar, or subsequently to the intended order for his committal? Eight different persons had been required to attend, some were treated as witnesses, some otherwise. The noble Lord had begun by treating these parties as witnesses, but had conceded to him that they were not before the House in that character. Yet the hon. and learned Attorney-general had treated Mr. Stockdale as a witness, at least had spoken of him as a witness, and yet had put some questions as though he were not a witness. Although he did not for a moment affirm, that the House of Commons was bound to follow the practice of a court of law in its mode of proceeding, yet unless there were some very strong reason for departing from the rules and usages of the courts, he thought that legal forms had much better be observed; and he took it for granted, that no opportunities of being heard would be denied to Mr. Stockdale, when he stated anything necessary to his defence or vindication. They must first call Stockdale to the bar, and then proceed to commit him to gaol. Now, what effect would that proceeding have on the other persons who were next to be called to the bar, especially if their nerves were not of the strongest kind? He would first call on them to state their own case, before the House carried into effect the course they proposed with respect to Stockdale. He wished before he sat down just to call the attention of the noble Lord opposite, and the Attorney-general to this one point, in answer to the hon. Gentleman's observations. In the case of "Ashby and White," which had been before referred to, it went on appeal to the House of Lords; and although this House had said, that it was a breach of privilege for any such action to be brought, yet the other House had decided against them. But, in point of fact, the rights and privileges of the House of Commons, were the privilege of the House of Lords, and formerly, when both branches of the legislature were united and were one body, the privileges were common to both, and when they separated, their privileges became the privileges of each. The only difference now was, that they exercised their privileges separately. When, therefore, the House of Lords came to their decision in the case of Ashby *v.* White, it could not be argued that they did not know what the privileges of the House of Commons were, as they had not been cognisant of them in that case; for, if that were admitted, it must be allowed that they did not know their own privileges, because the privileges of that House were their own privileges. When, therefore, they came to that decision, they determined that, in the case of Ashby *v.* White, the privilege claimed was not their own privilege any more than it was of that House. He wished now to state why his impression was, that he should not vote against Mr. Stockdale. Nobody could feel any commiseration for him; he was in fact making a trade by this unhappy business. There could be no doubt of the publication being obscene, and that he was, therefore, entitled to no damages; nobody could, therefore, feel much for Stockdale, and he had, moreover, acted in defiance of this House. But he would now explain to the House, why he felt that he could not vote against him. He thought it necessary, both for the purposes of justice and the honour of this House, that they should state in the commitment, the offence and the cause of the commitment. He was likewise of opinion, but only speaking for himself, that although they stated the cause of the commitment, neither the Queen's Bench nor any other authority could release the offender under a writ of *habeas corpus* if this House committed him, and it was equally clear, that no action could be maintained for false imprisonment. But that did not show the justice of their proceeding. There was, however, no reason to suppose that this House, in the exercise of its privileges, would fall into such an error. They had powers which could not be abused, except it were by mistake. Nobody could say, that there would be any willing abuse of the powers which were given to them. But he wished to know upon what point they would now commit Stockdale. He would put the letter out of the question, for it was too paltry; it was one unworthy of an Englishman to write; but was it on the expression which he had made use of, as an Englishman might, that he would try his right against this House? He might dislike the way in which he stated his determination; but still he found no fault with him for his resolution. Upon which, then, of the actions did they commit him? He wished the House to observe this. Not upon the first, because they had met him in conflict, argued against him, and been beaten. [The *Attorney-General:* It was a contest with Messrs. Hansard.] It was the case of this House. Well, then, on the second action he (Sir E. Sugden) could not vote for his commitment, because he had voted in the committee in his favour, and therefore could not vote against him in this House; and the reason he had done so was this, that in that action they had met him fairly, and been beaten by the opinion of four of the judges of England, and as the law had allowed him to bring a second action, and it had not suited the views of the House to put in their proper defence to that action, knowing that the result of any course being adopted against him by this House, would be his removal to a dungeon, he (Sir E. Sugden) had voted in the committee against any harsh proceeding towards him, in reference to either the first or second action. It appeared to him, therefore, that the only ground on which they could attack him, was the third action which he had brought during the recess of the House, and against their resolution. But to do that, they must put the resolution as against the judges of the land. That, however, seemed not a wise way to vindicate their privileges, or to try the question against Stockdale. It would make his fortune, and not be a proper way to assert their power. He believed, that this first step would lead them on; and he knew it to be a bad step. If they had the privilege, this man had invaded it knowingly, in order to obtain damages. He had already stated his view on the subject, but he wished to impress on the House his opinion against deciding upon Stockdale's commitment, before he or the other persons who were to be called to the bar, were heard as to what they could state in defence or justification of their conduct.

Mr. *Wakley* should not have troubled the House with a single word on this occasion had it not been for some observations that were made by the hon. and learned Gentlemen who had just sat down, and also by the other hon. and learned Member for Ripon, with reference to the case of Sir J. Hobhouse. The hon. Gentleman had asked the noble Lord when it was intended to give the other defendants and Stockdale an opportunity of being heard in their defence, or in justification or extenuation of the conduct they had pursued. He hoped that the whole of the House would agree with him in the propriety of giving them that opportunity. Nothing damaged this House more in public opinion, and nothing was more likely to produce an injurious effect than having called a person to their bar without putting any question to him as to what he could state in defence of his conduct to throw him into a dungeon. But he wished to remind the House and the country, and some hon. Members who seemed on this occasion to be seized with such an extraordinary fit of liberalism, what was actually done in the case of Sir J. Hobhouse. In the year 1819, Sir J. Hobhouse published a pamphlet called *A Trifling Mistake*. In that pamphlet were contained some strong remarks on the conduct of this House, but not by any means so strong, or likely to affect the excited state of the public mind at that time, as was sometimes found in these days. What did he state in that pamphlet? He said, then, and unfortunately he found it was true, and too applicable in these days, "That the House of Commons was not protected by love but fear, and that they rested their protection on the Horse Guards." He said also, "He should like to know what was to prevent the people from coming to the House, locking the doors, and throwing the key into the Thames." That pamphlet was considered as a breach of privilege, and the printer was ordered to the bar. He attended on the following day; he had permission to give up the name of the author, and what was done then? A Member of this House rose and said he was empowered to state that Sir J. Hobhouse was the author of the pamphlet. Was the offender called to the bar and asked what he could say in justification? No. Now, let them observe, this was for the publication of a pamphlet, and he might have been proceeded against in an ordinary court of law for libel, but no such course was taken, and yet that was in the good old Tory times of 1819 Sir John Hobhouse was not brought to the bar to be heard in justification, but was actually committed to Newgate without the opportunity of saying one word in his defence. And that act was done by the friends of the gentlemen opposite — by those gentlemen who professed the Tory principles professed by the hon. Gentleman opposite. [" *Question.*"] The hon. Gentleman called question—that was always the case whenever they felt the shoe pinch. Yes, anything that would divert the mind when the truth was told; but what he had stated was a fact of history. He for one was willing to take on himself all the responsibility that could belong to him as a Member of this House in consequence of the course pursued by the Government on this occasion. He thought they were now in the right path, and he only regretted it was not entered into at an earlier period. Having stated thus much for the conduct of the Government, he should not discharge the duty which he owed to his own feelings or to the House if he were not, and he trusted the right hon. Baronet would excuse him for saying it, to express his warmest approbation of the course the right hon. Member for Tamworth had taken on this subject. The question under the consideration of the House was one of the most important that had ever engaged any part of the legislature of this country. It was a question, in fact, the determination of which was to decide whether there was to be an English House of Commons or not, whether it was to be a House in which they could exercise any privileges for the benefit of the people independent of the hereditary branch of the Legislature. Was it to be endured that every thing which the House of Commons could assert as a privilege was to be carried to the House of Lords, and that that House should determine whether they should enjoy it or not? It was said, that by the constitution, the people of England were sitting in this House. The right hon. Baronet had put this question most admirably during the last Session. He said, "We can only support our privileges by public opinion, if that is with us, we shall succeed, but if against us we shall fail." And he would say that was the common sense of the question. He wished not to say anything that was of an irritating nature, but at the same time he would state his own opinion candidly and fearlessly; and he would say for one, that he was prepared to make any sacrifice as a humble Member of this House or as a private individual rather than he should consent to see the prerogatives, if he might term it such, or privileges of this House determined by the hereditary branch of the Legislature. How was this House treated by the House of Lords? He would repeat one of their orders as correctly as his memory would permit him. It was to this effect—"And be it observed, that in conferences with the lower House, no Member of that House be permitted to sit either at conferences or in committees in our presence, except it be some decrepid old man, who by connivance may be allowed to sit in a corner, but not to be covered." Could any body fancy that with such a resolution as that, if they followed the theory of hon. Gentleman opposite, they would have any privileges or power in this House independent of the authority of the House of Lords? He for one would never consent to it, but he entreated the Government to go on calmly and steadily in the course they had taken. Every feeling of agitation or party should be discarded from the mind in discussing a question of this nature, and although he observed on the opposite side a disposition to prolong this proceeding by discussion, he entreated Ministers to persevere in their course; for the more they discussed it, the more would the public think of this matter, and the more firmly would the public be persuaded that what the House of Commons was now doing was for the public good, and not injury, and that if the power the House was now seeking to retain were to be lost, they never could regain it without a violent revolution.

Lord *J. Russell* wished to answer the questions which had been put to him by the right hon. Member for Ripon, and likewise to suggest some alteration in the form of proceeding which he had proposed. The right hon. Gentleman had asked him, in the first place, whether it were proper to go into the rest of the cases, and hear what the other persons who were summoned to the Bar to-day had to state in their defence, before proceeding against Stockdale. To that his answer was decidedly in the negative. He did not think with respect to the other cases, that it was of any consequence, as there was nothing which would be stated in connexion with any of them in extenuation of Stockdale's offence. That offence had been committed by him in bringing his action, as he was the person who had set in motion the whole of this proceeding. Whatever might have been the fault of others, he could not see anything that could happen in the course of this proceeding to exonerate Stockdale from a charge of breach of privilege in bringing that action against which the resolution of this House was directed. As to the other question of the right hon. Gentleman, "Whether Stockdale should not be asked whether he had anything to say in his defence?" he must own that he did not see what they could draw from such an examination. The statement of Messrs Hansard in their petition was, that they had been served with a legal process at the suit of John Joseph Stockdale, for publishing the evidence taken before a Committee of the House. Now, if they had made any false statement in that respect, it would appear from the examination of the solicitor, whereas it appeared that Stockdale avowed that the action was brought by him, and that he had done it purposely to try the rights of the House of Commons. If any hon. Member of the House thought that the case of Stockdale would be made better by asking him any questions, he would not oppose it, but he thought the whole statement of Messrs. Hansard was admitted at once by Stockdale as to the real facts of the case. He had intended to move a resolution, stating in the first place that Stockdale had brought an action against the House, and was thereby guilty of a breach of privilege; but his hon. and learned friend near him made an objection to that form, and he then moved the resolution which was now before the House; but he certainly now thought it better, with his hon. and learned Friend, that there should be a previous resolution stating the fact with respect to Stockdale, and then a resolution declaring him guilty of a breach of privilege of this House by bringing the action, and that if those two resolutions were carried, there should be a further resolution for his commitment. He would, therefore, withdraw the resolution he had moved, and now move one which, we understood, was to the effect—"That Stockdale had brought an action against Messrs. Hansard for publishing, by the direction of the House, evidence that was taken before a Committee of the House."

Mr. *Law* rose to order. This motion could not be put from the chair, as there was an amendment on the previous motion.

The *Speaker* said, that it could not be moved unless the hon. Member consented to withdraw his amendment; but if he did that, the original motion might then be withdrawn, and this motion be afterwards made.

Mr. *Law* could not consent to withdraw his amendment and to have an entirely new resolution substituted, involving entirely new questions, and not setting forth the whole, and therefore not setting forth the true facts of the case. It would be most unjust to the individual who had been brought before them merely to state that he had commenced these proceedings, without adding that he had done so after his right to maintain his action had been adjudicated upon. If justice was intended to be done—and he could not conceive that there was any other intention — it was unfair to state acts without the circumstances affording an exculpation or explanation of them. The resolution which set forth that the party had presumed to bring this action ought also to set forth that he had been suffered to succeed in a former action, and that the courts of law had held that the action was maintainable, so as to bring before the House the precise point whether, although the party had committed a breach of the privileges of the House, he had done so under circumstances which showed that the breach was a wilful one, and one which ought properly to be made the subject of punishment. The fact was truly what the House had extracted from Mr. Stockdale when he appeared at their bar, that Mr. Stockdale had instituted these proceedings for the purpose of trying in a court of law whether the privilege contended for really existed, and did so, under a firm conviction that the law would maintain him in the course which he had taken, and that at common law he was entitled to proceed. When it was proposed to him to withdraw his amendment, he must require that the new motion should set the case upon its proper footing, and should state that the proceedings now under consideration had only been instituted after Mr. Stockdale had successfully combated the question upon a former occasion.

Sir *E. Sugden* thought that the hon. and learned Member who had just sat down did not deal justly with the noble Lord, who had only amended his motion in compliance with the suggestions offered to the noble Lord by him and those who sat on his side of the House.

Mr. *O'Connell* observed that the noble Lord would now see the consequences of endeavouring to conciliate Gentlemen opposite. The question was, whether he should enter into a compromise with the right hon. and learned Gentleman as to the form of proceeding; and the noble Lord was now told that, if he did so, they must at that late hour renew the whole discussion. By this means they would have the remainder of the night taken up by the discussion on this question alone. The greater part of the discussion of that night had been on the question as to whether or not they should put in force and adhere to the resolutions which they passed on this matter in 1837 and 1839. The able argument of the right hon. Member for Ripon was directed to this point. The effect of the resolutions was to declare that the House would act with vigour on them; and having so decided, if they now resolved not to act upon them they would stultify themselves, and their proceedings would appear to be perfectly ridiculous. Hon. Gentlemen did not manfully propose to rescind the resolutions, but they resolved that they should remain in full force, but that they should have no effect whatever. Thus, then, instead of the House acting vigorously and with decision in vindication of its privileges, it was not to act at all. When he heard hon. and learned Gentleman talk so much of popularity and love of liberty, he could not help congratulating hon. Gentlemen on the client whom they have to defend. Hon. Gentlemen opposite were perfectly silent when they heard that the people of England were to bear the expenses of these proceedings, and to be liable to the damages that might be given in these actions; but when he alluded to their client, Mr. Stockdale, he was immediately met with a Conservative cry of "oh." Had they forgotten that Mr. Stockdale had been convicted of publishing indecent libels? and yet this was the person who was under the special protection of the representatives of the religion and the literature of England. This person said that he was an author, printer, and publisher. They had heard something of the works of which he was supposed to be the author. Were not his publications declared, on the oaths of twelve special jurymen, to be obscene libels? This, then, was the man whom such a large portion of the chivalry of England, and almost the whole of the English bar, were so anxious to defend. This was the man whom they were all so anxious to vindicate in every possible way, and if the world were not to be dissolved in his defence, they at least were threatened with a dissolution of that House. They had been gravely told of these proceedings being an attempt to crush a British subject, and of the necessity of dissolving the English Parliament, to get out of the difficulty in which they were involved. And this was to be the case after that House had solemnly pledged itself to the proposition, that they could not perform their functions to the public unless they possessed the power, and, of course were able to exercise it. The hon. and learned Member for the University of Cambridge—(Mr. Law)—had talked of the importance of maintaining the authority of the judges of the Court of Queen's Bench. But the House should recollect that the hon. and learned Gentleman was not altogether a disinterested person in this matter. The hon. Gentleman was the only common law judge in that House, and was not the argument that he was pursuing the assertion of his superiority over that House; and everybody knew that in his case there was no danger of having an application from that House for a removal. But suppose the case of a person in the judgment-seat who chose to introduce political lecturing, and indulged in pointed comments on the proceedings of that House, and contrasted them with those of another place. Now, he knew nothing more improper than that a judge on the judgment-seat should indulge in such proceedings, nor could he conceive anything more inconsistent than the condemnation, from such a place, of the proceedings of the Government in another part of the empire. He could conceive nothing more unbecoming or indecent, than such a person, in such a place, discussing the conduct and proceedings of Lord Normanby's government in Ireland, This was a matter most worthy of the attention of the House of Commons, and deserved it censure. With reference, however, to the case itself. the decision of the Court of Queen's Bench was paltry in the extreme. They stated , that they could not proceed against the Speaker, but they alleged that they could against all who acted under his orders. The judgment of Lord Denman was most unsatisfactory. He had never seen from a judge a less legal argument. There was little in it that would strike the mind of a sound lawyer. At one time high professional reputation was considered of importance on the judgment-seat, but it appeared to be no longer the case. There could be nothing so unlawyer like or absurd as many of the passages in the judgment. The judgment laid it down that any printed paper published among 658 members of Parliament was a secret, but how stood the case when Parliament was at an end? What was to become of the secret then? Oh, then, if anybody read the paper, the Court of Queen's Bench said it was a libel. So, too, if a Member died, when his papers came, into the hands of his executor, if the executor sent them to his lawyer, to see what they werere about, the executor, according to the judgment, was guilty of a libel. Never was a more absurd judgment, and never a worse client in the hands of such learned, grave, and reverend signors. Public opinion, after all, was that on which alone the governments of the world, even that at Constantinople, had to rely, and public opinion you could not have with you unless you gave public reasons why that opinion ought to be with you. In the case of Burdett *v.* Abbott, the Court of King's Bench and the House of Lords decided that the warrant of the House of Commons was a justification; now the Court of Queen's Bench decided that a document published under the authority of the House of Commons was libel. Where was the common sense or law of this? It was time for the House to take its stand—it ought to have done so sooner—it ought to have done so in 1838. The great mistake had been, and he had protested against it at the time, in submitting the question to the Court of Queen's Bench at all. Let the House commit no more such blunders? they were in the right, and let them now firmly take their ground. This was no party question, nor did it concern party politics. The best speeches which had been made on the subject, and he could not be charged with flattery in this, were decidedly those made by the right hon. Member for Tamworth; speeches more persuasive, better reasoned, more conclusive, were never heard in the House. This, then, was no party question—it was a question whether the House of Commons, the representatives of the people, should do their duty to the people. He would not go into any points of law. The hon. and learned Gentleman opposite, in the performance of his functions in his court, might commit any person for contempt of that court, and no one would dispute his right to do so. Let the House do in their high court what that hon. Gentleman was so clearly empowered to do in his ordinary court; let them vindicate the rights of the people of England; let them assert the power to inform the people of what it was so essential for them to know, and let them defend their officers who were engaged in diffusing that knowledge among the people.

Sir *R. Inglis* begged to say one word in explanation. The hon. and learned Gentleman had spoken of the individual at the bar as being the client of himself, and his hon. and learned Friends. This was a point which the hon. and learned Gentleman should have refrained from introducing at all, as utterly irrelevant to the question; but as it had been mentioned, he begged to inform the hon. and learned Gentleman that the only client whom he defended was the law, and with it the liberty of his fellow-subjects. But was it for the hon. and learned Gentleman who so had traduced the women of England —

Mr. *O'Connell:* That is false.

Sir *R. Inglis* appealed to the Speaker.

The *Speaker* said that most undoubtedly if one hon. Gentleman imputed to another that he said that which was untrue he was out of order.

Mr. *O'Connell*, in his turn, would appeal to the Speaker. The hon. Baronet had charged him with having traduced the women of England, and that charge was false.

Sir *R. Inglis* would ask whether the hon. and learned Gentleman meant to say that he had made that charge believing it to be false?

Mr. *O'Connell* replied that if the hon. Baronet imputed to him that he had traduced the women of England the hon Baronet said that which was untrue, and which he must know to be untrue; or, which he ought to know to be untrue.

The *Speaker* said, he must call upon the hon. and learned Gentleman to with draw the expression he had used. He understood the hon. and learned Gentleman to have stated, that another hon. Gentleman had said that which he knew to be untrue.

Mr. *O'Connell* said, he had gone too far; he should have said, "which the hon. Baronet ought to know to be untrue."

The *Speaker* must require a more unqualified retractation. The hon. and learned Gentleman ought not to state that another hon. Gentleman had said that which he knew to be untrue.

Mr. *O'Connell* would appeal to the Speaker. He had been accused of making a charge against the women of England; ought not that charge to be withdrawn, being, as it was, utterly unfounded.

The *Speaker* said, if the hon. and learned Gentleman denied the truth of that assertion, he was quite sure the hon. Baronet would not persist in his statement. He felt it to be the duty of the hon. Baronet to withdraw that statement, and he should equally call upon the hon. and learned Member for Dublin to withdraw the expression he had used, and which was quite contrary to the orders of the House—namely, the imputing to another hon. Member that he had stated that which he knew to be untrue, or which he ought to know to be untrue.

Mr. *O'Connell* said, he would at once withdraw the expression he had used, and he called upon the hon. Baronet opposite to do the same.

Sir *R. Inglis* begged to ask whether he was to understand the hon. and learned Gentleman as denying that he had ever in his place in Parliament, traduced the women of England

Mr. *O'Connell* said, he could not hesitate one moment in assuring the hon. Baronet and the House that such a charge was totally false.

Sir *R. Inglis* under that impression would withdraw an expression which he had used only hypothetically. He would only add this observation, that the hon. and learned Gentleman, in introducing the merits or demerits of a certain publication, which the hon. and learned Gentleman probably knew much more of than he did, had set a very objectionable example in diverting the attention of the House from the plain legal question before it.

Mr. *Law* said, that although the charge which had been made against him by the hon. and learned Member for Dublin was wholly irrelevant to the matter under consideration, yet if the majority of the House was composed of Gentlemen sensible, as heretofore, to attacks on private character, it would not refuse to listen to the few words which he had to say in his own vindication. He complained of the tone, manner, and assertions of the hon. and learned Member for Dublin, as conveying an imputation upon him that he had, on the seat of justice, improperly and unnecessarily introduced topics of a political character, reflecting on the administration of Lord Normanby in Ireland. It was very easy to pervert what had been truly and properly said, arising out of a proceeding before a court, and by skilful perversion of the words employed in a newspaper, to frame a commentary such as that which had been made by the hon. and learned Member. That was not the proper place to go into particulars, but he did feel it to be his duty to say, that the hon. and learned Member, unintentionally, he had no doubt, for he could not believe that one so sensitive of any observations reflecting on himself, could be so ungenerous as, contrary to his better knowledge, to asperse the character of another; he must say the hon. and learned Member had most unjustly misrepresented any words which had fallen from him in the discharge of his judicial duties. He certainly never intended to mix up political matters and references to Lord Normanby with any judicial proceedings. He did not believe any one ever heard the name of that nobleman breathed from his lips while he sat on the seat of justice. The story which had been so much ornamented by the hon. and learned Member originated in this:—there having been of late a great increase of crimes of violence against the person, upon the suggestion that there might be circumstances in some cases entitling them to more favourable consideration, he did take leave to observe when offences were rife, some example was necessary, even if a mistaken lenity had been elsewhere exhibited. That observation arose out of no political feeling, nor had he any intention of calling in question the policy pursued in Ireland, or any desire to impeach the conduct of any individual connected with the administration of justice. He was quite sure he never made use of any expression that could justify or even extenuate the terms which the hon. and learned Member for Dublin had been pleased to employ on the present occasion.

Mr. *Darby* submitted, with all deference to the hon. and learned Member for Dublin, that the character of the party against whom any process might be directed, had nothing whatever to do with the real question at issue. It was a question of right and wrong—of strict and impartial justice —and resolved itself simply into this, whether Mr. Stockdale, whatever might be his character, was properly brought to the bar or not. The case of Sir J. C. Hobhouse, cited by the hon. Member for Finsbury, was not at all in point, for there a contempt had clearly been committed, which, in the present instance, had not been proved. He congratulated the country upon the course which this proceeding had now taken. The noble Lord, and the Attorney-general had already sounded a retreat, and given up the point. The only Member who had the courage to stand by the course he had originally taken, was the right hon. Baronet, the Member for Tamworth. He insisted on the reasons of committal being recited in the warrant. The noble Lord shrunk from doing so, and that alone showed clearly that he was afraid to try the question. The noble Lord did not venture to carry out his principle; and he now proposed to commit Stockdale, not for bringing the action, but for some indefinite contempt. The authority of the law, therefore, remained triumphant; they could not counteract the decision of the Queen's Bench. The Attorney-general had accused him, upon a former occasion, of having mis-stated the effect of that decision with respect to the power of inquiry into commitments, on which point the noble Lord was now making his escape; but upon reference to the published report, he found he had correctly stated it.

The *Attorney General* said it was most painful for him to come into collision with the Court of Queen's Bench, where he had practised all his life, and where he should continue to practise, while he had the honour of belonging to the legal profession. If he had exerted himself to defend the privileges of the Commons of England against the judgment of that court, it was only because he felt himself in all duty and conscience compelled so to do. With respect to the mis-statement on a former occasion of the hon and learned Member who had just sat down, he contended that the publication of the short-hand writer's notes fully justified every syllable that fell from him (the Attorney-general), The hon. and learned Gentleman, referring to one part of the statement said, the court had intimated that they could review commitments of that House. All the judges did not say so, although Lord Denman distinctly intimated that he reserved to himself the right to examine any commitment the House might make. That opinion, however, was contrary to the doctrine laid down in the King *v.* Patty, and to all the authorities from that day to the present. The hon. and learned Gentleman declared that his noble Friend shrunk from his original position, by proposing that the cause of the commitment should not be stated in the warrant. He had no difficulty in saying that, if his opinion were followed, the cause of commitment should not be stated in the warrant. (Cries of "Spoke, spoke.")

The *Speaker* intimated that the hon. and learned Gentleman, having already spoken on the question, could only now be heard in explanation.

Viscount *Howick* rejoiced in the determination of the hon. and learned Member for the University of Cambridge not to withdraw his amendment. The question, it appeared to him, would be put before the House much more simply, clearly, and satisfactorily, by the resolution which his noble Friend had moved in the first instance, than as proposed it should stand in its altered form. At the same time he entirely differed from the opinion that by putting it in an altered shape they would, in any respect, appear to recede from their original position. It would appear on the journals that Mr. Hansard's petition had been read; that Stockdale, being called, admitted he was the person who brought the action; whereupon naturally and immediately the House came to the resolution that he had committed a contempt. Their proceedings would be perfectly plain, simple, and orderly; and there was no occasion whatever for reciting in the resolution any further grounds than appeared by the order in which the proceedings appeared on the journals. It had been suggested by the right hon. and learned Member for Ripon (Sir E. Sugden) that Stockdale might be heard in defence. He begged to appeal to the superior knowledge of the chair whether, in such cases, it was not contrary to the invariable practice, both of that and the other House of Parliament, to hear a party accused in justification of the contempt committed? The uniform course of both Houses was this: upon complaint being made either by a Member in his place, or, as in this case, upon petition, of a breach of the privileges of the House, to desire the attendance of the party accused, to ascertain simply the fact whether he admitted the asserted breach of privilege; if he did so the House immediately proceeded to visit the breach of privilege in such manner as it should think fit. It then remained for the party, if he had any thing to offer in extenuation of the offence, to do so, not by speech, which might be one of extreme insolence to the House, but by petition, presented in the proper and ordinary mode by some Member in his place. That course was open to Mr. Stockdale, and he trusted, after the discussion which had taken place, they would now proceed to determine, first, whether Mr. Stockdale had committed a breach of privilege or not; and, if so, then, secondly, how it was to be visited.

The House divided on the original question. Ayes, 249; Noes, 100: Majority, 149.

List of the Ayes.

Abercromby, hon. G. R.
Adam, Admiral
Adare, Lord Viscount
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Archbold, R.
Bailey, J.
Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. G.
Bernal, R.
Bewes, T.
Blackburne, I.
Blair, J.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Blewitt, R. J.
Bolling, W.
Brabazon, Lord
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Bulwer, Sir L.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chapman, Sir M. L. C.
Chetwynd, Major
Chichester, J. P.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clerk, Sir G.
Collier, J.
Collins, W.
Colquhoun, J. C.
Compton, H. C.
Conygham, Lord A.
Coote, Sir C. H.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crompton, Sir S.
Curry, Serjeant
Dashwood, G. H.
Denison, W. J.
De Winton, W.
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Dunbar, G.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Du Pre, G.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Erle, W.
Etwall, R.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Finch, F.
Fitzpatrick, J. W.
Fitzsimon, N.
Fleetwood, Sir PH.
Fort, J.
Gisborne, T.
Gordon, R.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Handley, H.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Jenkins, Sir R.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, W. S.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lushington, rt. hn. S.
Lynch, A. H.
Macnamara, Major
Marshall, W.
Maunsell, T. P.
Melgund, Viscount
Mildmay, P. St. J.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Palmer, C. F.
Palmerston, Lord
Parker, J.
Parker, R. T.
Parnell, rt. hon. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.

Rickford, W.
Roche, W.
Rumbold, C. E.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sandon, Lord
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Shelburne, Earl of
Sinclair, Sir G.
Slaney, R A.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Spears, A.
Standish, C.
Stanley, hon. E. J.
Stanley, Lord
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Sutton, hn. J. H. T. M.

Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Villiers, Lord
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
White, A.
Whitmore, T. C.
Wilbraham, G.
Williams, W.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Maule, hon. F.
Fremantle, Sir T.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J. jun.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Lord
Bentinck, Lord G.
Blackstone, W. S.
Bradshaw, J.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Castlereagh, Lord
Christopher, R. A.
Conolly, E.
Copeland, Alderman
Cresswell, C.
D'Israeli, B.
Dowdeswell, W.
Duncombe, T.
Duncombe, hon. A.
East, J. B.

Eaton, R. J.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Greene, T.
Grimsditch, T.
Grimston, hon. E. H.
Grimston, Lord
Halford, H.
Hamilton, Lord C.
Heathcote, Sir W.
Heneage, G. W.
Herries, rt. hon. J. C.
Hope, H. T.
Hope, G. W.
Ingestre, Lord
Ingham, R.
Inglis, Sir R. H.
Jackson, Serjeant
James, Sir W. C.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.

Knatchbull, rt. hon. Sir E.
Lefroy, rt. hon. T.
Lincoln, Earl of
Lowther, hon. Col.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mahon, Lord
Maxwell, hon. S. G.
Neeld, J.
Neeld, J.
Nicholl, J.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, G.
Pemberton, T.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Viscount

Praed, W. T.
Pringle, A.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushout, G.
Shirley, E. J.
Smyth, Sir G. H.
Stormont, Viscount
Sturt, H. C.
Thompson, Alderman
Tyrell, Sir J. T.
Verner, Colonel
Walsh, Sir J.
Williams, R.
Wood, Colonel.
Wood, Colonel T.
Wyndham, W.
Young, Sir W.

TELLERS.

Law, hon. C. E.
Darby, G.

Lord *J. Russell* then moved that John Joseph Stockdale, for the said breach of privilege, be committed to the custody of the Sergeant-at-Arms attending this House, and that the Speaker do issue his warrant for his committal,

Sir *E. Knatchbull* said, that with all respect for the judgment of the noble Lord, he was not in a condition to give his assent to the motion just proposed. It was not his intention to repeat the arguments which had already been so fully stated to the House, and he should therefore content himself with saying, that he was quite satisfied with the reasons which had been urged against the previous motion by the learned Gentlemen sitting on his side of the House. This singular feature attached to the debate which had just concluded, that with the single exception of the Attorney-general, all the high legal authorities in the House were on the side of the question he advocated. He considered this to be a question in which the liberty of the subject was deeply involved, and, as an independent Member of the House, he was reluctant to assent to a motion which would give the House a power likely to be used to the infringement of the liberty of the people. He should therefore move the following amendment to the motion:—That in the case of 'Stockdale *v.* Hansard,' judgment having been suffered by default, this House is not in a position to take further proceedings."

Mr. Alderman *Copeland* seconded the amendment. He was sure, that the people out of doors were decidedly opposed to such proceedings as the noble Lord suggested to the House. What object could be answered by committing to the custody of the serjeant-at-arms Mr. Stockdale, who had confessed at the Bar, that he had only exercised the constitutional right which belonged to every British subject. He would rather allow that miserable man to pass away from the Bar than see the House degraded by such a proceeding. As a citizen of the metropolis and as the representative of a large manufacturing district, he looked upon this as one of the most important subjects that had ever come under the consideration of the House; and he had no hesitation in giving his most cordial sanction to the amendment. He was not anxious to mix up party considerations with this question, but he would ask where was it to end? The House was now about to enter into a struggle in which he feared that its dignity and privileges might be lost. Would they, in the present state of the country, follow up the committal of Mr. Stockdale, by a motion for the committal of the sheriffs to whom the preservation of the peace of the country was intrusted?

Mr. *Kelly* said, it was of the last importance that the House should distinctly understand the course which the noble Lord opposite intended to pursue. The noble Lord originally proposed a resolution to the effect that Stockdale was guilty of a breach of the privileges of the House, and for some time, the House was in ignorance whether the alleged breach of privilege consisted in writing a libellous letter reflecting on the House. He was in the recollection of the House as to whether the noble Lord, the Member for East Cornwall did not rise and put the question to the Attorney-general, and whether before an answer was given to that question, the real nature of the breach of privilege was properly understood. But he presumed it was now to be taken that the supposed breach of privilege consisted in the bringing of an action calculated to call in question the privileges of the House. At that late hour, it was not his intention to enter into the discussion of the matter, and he rose only for the purpose of entreating the noble Lord opposite to inform the House whether he had at all taken into consideration this question. Supposing the House agreed to authorize the Speaker to issue his warrant for the committal of Mr. Stockdale, would that warrant of committal state on the face of it, the particular breach of privilege for which a subject of the realm was about to be sent to prison? The noble Lord, would, no doubt, do him the favour to answer that question, and then he should have one more question to trouble the noble Lord with. If it were the wish of the House, he was quite content that the noble Lord should answer both questions at once. The next question was, supposing that the warrant of committal should state on the face of it the particular breach of privilege for which Stockdale was committed to prison, was it not then clear, that by any action he might bring the privileges of the House would once more be called in question in a court of law? He was quite aware that Stockdale might be deprived of the means of raising the question, because the Speaker might be directed to issue a warrant of committal, which should not set forth the particular breach of privilege, and then the ground of his committal would not be examined into by the Court of Queen's Bench, and he would not be able to bring himself by *habeas corpus* before that court. But still he might commence an action, and that would raise the question; and would the noble Lord then advise the House to remain quiescent, to allow the action to proceed, to allow judgment to pass by default? Or, would he call on the House to appear to and defend the action. If the noble Lord took the latter course, he would virtually abandon the course he now advised the House to pursue. But, supposing that the House adhered to the principles on which the previous resolution was founded, and supposing that Stockdale, after being committed by the House should commence an action for trespass and false imprisonment against the sergeant-at-arms, then if the House suffered judgment to go by default, large damages would be awarded, and the House would have no means of preventing Stockdale from obtaining those damages out of the pocket of the sergeant-at-arms, and putting them in his own. With that consequence before the eyes of the House, he hoped the noble Lord would inform them whether the warrant of commitment would or would not set out the grounds of the commitment, and if it did, and Mr. Stockdale were to bring an action founded upon it, whether they would be called upon to instruct the Attorney-general to defend such action, or would they allow judgment to by default.

Lord *J. Russell* said, the state of the question in his view of it was this. The House in 1837 had entered into certain resolutions with respect to the power of publishing the evidence taken before committees of the House, and to its belonging to the House, and to its being essential to the exercise of the functions of the House as a branch of the Legislature; also, with respect to the House being the sole judge of their own privileges, and declaring that the bringing those privileges in question before any other court was a high breach of the privilege of Parliament, rendering any one who committed it liable to the displeasure of the House. These were not, as had been lately and in the course of the debate that evening stated, any new privileges. They were the ancient privileges of Parliament. It appeared that Stockdale had acted in direct contravention of those resolutions. It appeared that he had brought an action in a court of law, in contempt of those resolutions, and had obtained judgment in that action. What, then, was the proper course for that House to adopt? It was competent for them to pursue their course on the resolutions of 1837, or it was competent for them to abandon those resolutions altogether. Not to proceed against Stockdale, and yet to maintain those resolutions would be to place the House in an absurd and ridiculous position, and he did not think that the House would assent to such a proposition. With respect to the questions of hon. and learned Gentlemen, when the hon. and learned Gentleman asked whether the warrant would contain the causes of committal, and in what manner it would be expressed, he (Lord J. Russell) would say, that it was not for him to state what ought to be the course of the House, but the House had heard the Attorney-general state what in his judgment was the proper course, and, therefore, he thought it probable that the House would agree to that course, and that the warrant would not contain any particulars, or any recital of the causes of committal, but that Stockdale would be committed as having been guilty of a breach of privilege. But the hon. Gentleman put a further question, and asked what, supposing the warrant not to be framed in that form, but to set out the cause of committal, would then be the course which the House would pursue in the event of Stockdale's bringing an action founded on the warrant. In answer to that he said, that with regard to these hypothetical actions, it would be sufficient for the House to take any course which he or any other Member might offer when the case actually arose. But he wished to call the attention of the House to the importance of this amendment. He thought, that if the House were to pursue the course of letting judgment go by default in cases similar to that which had given rise to this discussion, and were thus to signify that they would proceed no further in the matter, that would in effect overturn the resolutions of 1837, and overturn that which was, in fact, only a declaration of the privileges which had belonged to the House of Commons for a century and a half—namely, that the House was the sole judge of its own privileges. Let the House consider what would be the effect of a contrary course. When an action was brought in a court of law, and they instructed the Attorney-General to appear and defend the action, it would be said that the House recognized the authority of the court of law, as the hon. and learned Member for Liverpool said in observing that they could not well say that they could not well say that they would admit the right of the court of law if the judgment was for them, but not if it was against them. But if they did not go into the court of law, what then was said? Why, another argument was immediately used, and it was urged, that as you do not go to defend your cause, but let judgment go by default, you have no right to complain. Thus in either case they submitted all their privileges to be decided by a court of law, and not, as heretofore, by the House itself. This, then, he thought, was a most important question; and it was proper that the House should understand the importance of it; and that they should see that in it was involved, not any particular privilege —that the question was not as to the privilege of printing, or the case of Messrs. Hansard alone, but that in giving up this, they were giving up that which was the foundation and security of all the privileges of the House of Commons.

Mr. *Cresswell* said, he should not have trespassed upon the House but that the noble Lord had somewhat misconceived part of what he had last night addressed to the House. What he said was, that when a defendent allowed judgment to go by default, he thereby implied that he acquiesced in it, and that he had no grounds on which to object to it. He had thought that the Attorney-general had explained to the noble Lord that this was the case, and he was surprised to hear the noble return to the subject. But what was the question they were then called upon to decide? They were called upon to commit this person. He, and those on his side of the House, disclaimed him as a client. He felt that such a person was contemptible; but they were not committing Stockdale, but a fellow-subject in his person. Hon. Members who opposed the course of the noble Lord on this subject were defending, not the cause of Stockdale, but the cause of a subject in his person. Stockdale might be a bad character; but that did not give the right to the House of Commons of punishing him as they thought fit. Would any man say, for instance, that the House would be justified in saying, "Because Stockdale is a bad man, we will send him into Palace-yard, and have him well whipped?" Could such an illegality be supported? No one would say so. But it was argued, "Because the resolutions of 1837 stand on our journals we must adhere to them, and we shall be disgraced if we do not act upon them." Were they not, then, disgraced last year? Oh, it was conceded, was it? What, then, was the cause that they were now so sensitive and so earnest to vindicate themselves and their privileges? But if they were now so sensitive and so earnest to vindicate themselves and their privileges, why act only on one of the resolutions? If it were disgraceful not to have acted last year on one of the resolutions, it was now quite as disgraceful not to act on that other resolution which stated that the judges would be guilty of a contempt if they contravened the pleasure of the House. The House was bound to act upon both the resolutions or neither. He asked the noble Lord and the House, therefore, to pause before they proceeded further in the matter. But if they were to act upon one resolution only, perhaps to act on the latter would be, in one respect, the less inconvenient; for, if the judges were sent to Newgate, they would be lodged near the Central Criminal Court, and would be ready to try prisoners as they came in. But the effect of their present course was this, that if Stockdale or any other person had done an act respecting which he asked the judges whether it was lawful or not, for that he must be sent to Newgate. They could not escape from this, that they in fact said this, that be the individual whom he may, any one merely questioning the courts of law as to the legality of an act of his, has been guilty of a breach of privilege, and to Newgate he must go.

The House divided on the original resolution: ayes, 239; noes, 135: majority, 104.

List of the Ayes.

Abercromby, hn. G.R.
Adam, Admiral
Adare, Viscount
Aglionby, H.A.
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baring, rt. hon. F.T.
Barnard, E. G.
Beamish, F. B.
Bernal, R.
Bewes, T.
Blackburne, I.
Blair, J.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Blewitt, R. J.
Bolling, W.
Brabazon, Lord
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Bulwer, Sir L.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chapman, Sir M.L.C.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clerk, Sir G.
Collier, J.
Collins, W.
Colquhoun, J. C.
Compton, H. C.
Conyngham, Lord A.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crompton, Sir S.
Curry, Serjeant
Dashwood, G. H.
Denison, W. J.
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Dunbar, G.
Dundas, E. W. D.
Dundas, F.
Dundas, Sir R.
Du Pre, G.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Erle, W.
Etwall, R.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Finch, F.
Fitzpatrick, J. W.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
French, F.
Gisborne, T.
Gordon, H.
Gore, O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grattan, J.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Handley, H.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.

Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Jenkins, Sir R.
Jervis, J.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lushington, rt. hn. S.
Lynch, A. H.
Mackenzie, W. F.
Macnamara, Major
Marshall, W.
Maunsell, T. P.
Melgund, Viscount
Mildmay, P. St. J.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Philips, M.
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sandford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sinclair, Sir G.
Slaney, R. A.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Standish, C.
Stanley, Lord
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir J.
Strutt, E.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thorneley, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
White, A.
Whitmore, T. C.
Wilbraham, G.
Williams, W.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.
Maule, hon. F.
Stanley, hon. E. J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J. jun.
Baillie, Colonel
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Castlereagh, Viscount
Christopher, R. A.
Conolly, E.
Copeland, Alderman
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dowdeswell, W.
Duncombe, T.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gladstone, W. E.
Godson, R.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hamilton, Lord C.
Heathcote, Sir W.
Heneage, G. W.
Herries, rt hon. J. C.
Hope, H. T.
Hope, G. W.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
James, Sir W. C.
Jones, J.
Jones, Captain
Kemble, H.
Knatchbull, rt. h. Sir E.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lincoln, Earl of
Litton, E.
Lowther, hon. Col.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mahon, Lord
Maxwell, hon. S. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Ossulston, Lord
Packe, C. W.
Packington, J. S.
Palmer, G.
Pemberton, T.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushout, G.
Shirley, E. J.
Somerset, Lord G.
Stormont, Lord
Sturt, H. C.
Thompson, Alderman
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Yorke, hon. E. T.
Young, Sir W.

TELLERS.
Cresswell, C.
Kelly, F.

Lord *J. Russell* said, that the conduct of the sheriffs in this case had certainly been a breach of the privileges of the House, as they had seized the goods of

Messrs. Hansards; but as they had refused, as it appeared, to pay over the money levied on the sale to Stockdale, it might be conceived that they did so in order to await the instructions and pleasure of the House. Much must depend upon the examination of Stockdale, and the construction to be put upon it. It might be also that the sheriffs would not put themselves forward in order to avoid the judgment, but to carry it into effect by paying the money they had in hand over. Hitherto they had endeavoured to evade the payment, so much so that one hon. Member said they had not done their duty; indeed, it seemed to him that they had not done entirely according to the direction of the courts of law, or according to the orders of that House. There would be difficult questions arise on that. He thought that with respect to the other persons named in the summons, they should be ordered to attend again on Monday next.

Alderman *Copeland* was of opinion, that if required to-morrow, or rather that day, the sheriffs must of necessity pay over the money. He was aware, that Mr. Stockdale, having taken the benefit of the Insolvent Debtors' Act, had induced his assignees to move the court to pay over the money to his assignees. He trusted the House would follow out the resolution which had been carried for committing Stockdale to the custody of the sergeant-at-arms whilst proceeding against the sheriff. He protested against the decisions of the House. He revered the law, and he thought it highly improper to deal with the sheriffs of London in the mode proposed for having discharged their duty, which they had sworn to do on entering their office. He called on the House to finish the farce by committing the sheriffs.

Captain *T. Wood* said, the sheriffs, at all events, had shown no disrespect to that House, and had only discharged their duty. They had delayed the execution of the order of the Court of Queen's Bench to the last moment, and had shewn very great deference to the House. He hoped they would be dismissed without being summoned to the bar of the House.

Sir *R. Peel* wished to ask how the sheriffs would stand with regard to the House? To-morrow they might stand in a different position. If by a process of the Court of Queen's Bench they were compelled to pay the money, they would have to consider their case on Monday in a different point of view.

The *Attorney General* said, if it were possible to call the sheriffs to the bar and finish that night, it would be very desirable; but from information he had received he believed it was totally impossible, that that could be accomplished. According to the common practice of the Court of Queen's Bench, the case would certainly not be argued to-morrow, and he was informed, that there was no possibility of the rule being made absolute to-morrow that the money should be paid over to Mr. Stockdale's assignees. The House might, therefore, rest on a well-grounded belief, that the sheriffs would be in the same position on Monday.

Sir *R. Peel* did not wish to prejudge the cause of the sheriffs, but should be sorry that they should get out of their difficulty by any evasion. He had rather that there should be a discrimination between the case of the sheriffs and the plaintiff in this case; but he should be sorry to be told on Monday, "Now the sheriffs have paid the money, and now we stand on different grounds." He would much rather in that case go on that night. If the Attorney-general felt convinced, that on Monday they would be as competent to consider the case of the sheriffs as they were that night, he had not the slightest objection to adjourn it till then; but he should be very glad to be assured of their legal position, that it would not be altered on Monday.

The *Attorney General:* I certainly can give no such assurance.

Mr. Alderman *Copeland* hoped the House would proceed that night with the case; it was his firm belief, that it would come on in court to-morrow.

Lord *J. Russell* said, when so many Members had gone away, it was quite impossible for him to consent to go on with the case that night. He thought the best course would be, to meet to-morrow at twelve o'clock, and then go on with the case. He would therefore move, that the sheriffs be summoned to attend at the bar to-morrow at twelve o'clock.

Mr. *Kelly* said, it would be very inconvenient to follow that course. To call on all the under sheriffs to attend at the bar of the House during the day-time, unless there was some great necessity for it, would be exposing the public to the greatest possible inconvenience. He begged leave to move, as an amendment, that the House be adjourned till Monday.

The House divided on the original question:—Ayes 116; Noes 36: Majority 80.

List of the AYES.

Aglionby, H. A.
Alston, R.
Archbold, R.
Baillie, Colonel
Baring, rt. hon. F. T.
Beamish, F. B.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Briscoe, J. I.
Broadwood, H.
Brotherton, J.
Bruges, W. H. L.
Buller, Sir J. Y.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hn. G. H.
Childers, J. W.
Clay, W.
Clements, Lord
Clerk, Sir G.
Collins, W.
Copeland, Alderman
Craig, W. G.
Curry, Sergeant
Divett, E.
Douglas, Sir C. E.
Duke, Sir J.
Dundas, C. W. D.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Elliott, hon. J. E.
Ellis, J.
Etwall, R.
Evans, W.
Ewart, W.
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gisborne, T.
Gordon, R.
Graham, rt. hon. Sir J.
Greene, T.
Grey, right hon. Sir C.
Grey, right hon. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutton, R.
Jervis, J.
Kemble, H.
Labouchere, rt. hn. H.
Lemon, Sir C.
Loch, J.
Lushington, rt. hn. S.
Marshall, W.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Ferrall, R. M.
Palmerston, Lord
Parker, J.
Parker, R. T.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Rice, E. R.
Roche, E. B.
Rolleston, L.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, Lord
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Talbot, J. H.
Thornley, T.
Turner, E.
Turner, W.
Vigors, N. A.
Waddington, H. S.
Wallace, R.
Warburton, H.
Ward, H. G.
Williams, W.
Wilshere, W.
Wood, G. W.
Wyse, T.

TELLERS.
Steuart, R.
Price, Sir R.

List of the NOES.

Acland, T. D.
Bailey, J., jun.
Baring, hon. W. B.
Boldero, H. G.
Bruce, Lord E.
Christopher, R. A.
East, J. B.
Filmer, Sir E.
Fitzroy, hon. H.
Godson, R.
Grimston, Viscount
Grimston, hon. E. H.
Hamilton, Lord C.
Heathcote, Sir W.
Hinde, J. H.
Hope, G. W.
Ingham, R.
Inglis, Sir R. H.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Mackenzie, T.
Pakington, J. S.
Pemberton, T.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Stormont, Viscount
Thompson, Alderman
Verner, Colonel
Williams, R.

TELLERS.
Kelly, F.
Pollock, Sir F.

Sheriffs and under sheriff to attend the House on the following day.

House adjourned at one o'clock.

HOUSE OF COMMONS,

Saturday, January 18, 1840.

PRIVILEGE—STOCKDALE *v.* HANSARD.] On the order of the day being read for the further consideration of Messrs. Hansards' petition.

William Hemp was ordered to be called in.

The Speaker said: What is your name? —William Hemp.

In what capacity do you act?—As bailiff to the sheriffs of the county of Middlesex.

The *Attorney General*: Did you make a levy on the goods of Messrs. Hansard? —I did.

When did you enter on their premises? —I made execution on the 25th ult.

Under what authority did you make that levy?—By warrant from the sheriffs of Middlesex.

Is that warrant under the seal of the sheriffs of Middlesex?—It is the usual warrant granted by the sheriff.

Under the official seal of the sheriffs of Middlesex?—Yes.

By whom was the warrant delivered to you?—By Mr. James Burchell.

When was that warrant delivered to you?—On the 23d of November last.

When did you make the levy?—On the 25th.

Where?—At the printing premises, Tichbourne-court, Holborn.

Did you take certain goods of the Messrs. Hansard under that warrant?—I did.

When was any notice served on you?—A day or two afterwards.

Have you got that notice?—I have not.

Or a copy of it?—No.

What did you do with that notice?—I think I took it to the sheriffs' office.

Were you informed of any resolutions of the House of Commons?—I was.

Of what nature were they—did they not explain the privileges of the House of Commons on the case?—They did.

Did you communicate that notice to the sheriffs?—I did; not personally, but to Messrs. France and Burchell.

After that did you proceed to make a sale of those goods?—Not till the writ of "*venditioni exponas*" was issued.

On the 3d of December did you receive a warrant from the sheriffs?—I did.

Have you that warrant?—I have (producing it).

Is it under the seal of the sheriffs?—It is.

Under that warrant did you advertise the goods for sale?—I caused them to be so.

Were they sold?—They were.

Before the sale had you received another notice?—I had.

To the same effect?—Yes.

What did you do with that fresh notice?—I took it to the sheriffs' office, and found they had received a similar notice.

For what sum did you sell the goods?—For 695*l.*

What did you do with that money?—I paid 640*l.* or thereabouts—I have not the exact account—into the sheriffs' office.

What was the sum to be levied for?—618*l.* odd.

How do you make out the 640*l.*?—The rest was for the expenses of the writs of *fieri facias* and "*venditioni exponas,*" and of the sale.

Have you anything to add by way of explanation?—In the execution of the writ I was bound to execute all the proceedings directed to me. If I have done anything to offend the House, I am sorry for it, and I humbly beg pardon of the House.

By Mr. *Godson:* In what place did you get the sheriff's order?—In the sheriff's office.

To whom were the goods sold?—To Mr. Wiseldon, 16, Great Russell-street Bloomsbury; I believe he is a timber merchant.

By Sir *R. Inglis*: Are you a sworn officer?—No, I am not.

Have you given any bond?—Yes.

The witness withdrew.

Lord *J. Russell* moved that William Evans and John Wheelton, Esquires, the sheriffs of the county of Middlesex, be called in.

Sir *R. H. Inglis* begged pardon for intruding on the House, but he wished to observe that the noble Lord had said yesterday that the House should decide on each case separately. He therefore was anxious to ask the Attorney-general what he should do with the witness who had just left the bar? He begged that that question might be first of all decided.

Lord *John Russell* thought that the evidence of the last witness made it necessary that the House should defer that question. He had received an order for the execution of this warrant—he stated from other persons, and he stated in the course of his examination, that if he had offended the House he humbly begged their pardon. He thought it very likely that it might appear, in the course of other examinations, that it would become necessary to have that person again at the bar. He did not think it would be advisable to make any motion now in the case of the person who had just been examined.

Sir *E. Sugden* said, that when that course was proposed yesterday evening, he did not think it an advisable one, that the cases of the parties concerned in this matter should be disposed of separately; but the House having come to the agreement of doing so, and having already acted upon that agreement in one instance, he thought it would be adhered to in all the others. The noble lord, it seemed, was disposed to accept the apology of the person who had just been examined [*No, No*]. He had certainly understood so, but whether that was to be the result or not, he thought that the House should proceed to dispose of the case it had already entered upon, upon its own merits.

The *Attorney General* thought this case differed materially from that of Stockdale. In respect to Stockdale, the case was perfect in itself. They had all the information which could possibly be required. They had a party accused of a certain offence, and confessing what was laid to his charge, and such being the case, it was not necessary to call any other witnesses to substantiate it. But in the present case, until the House knew on what authority the witness had acted, they would be totally at a loss to know how they ought to proceed, whether to commit him, or to let him go entirely free. He therefore thought it necessary to proceed with the examination of the sheriffs, that they might know what order they had given in this matter.

Sir *E. Sugden* said, the witness has told the House that he was guilty of the offence he was charged with; he was therefore as much in a state to be punished as the other party under a charge of contempt. He merely wished that the proceedings should be regular.

Sir *R. Inglis* said, that he understood that the party had delivered in the authority under which he had acted, but the substance of it had not yet been communicated to the House. Still he thought it would not be necessary to call further evidence on the point, and he concurred with his right hon. and learned Friend, that the House should adopt the course of deciding on every case on its merits. It was not necessary to call the parties by whom the order had been issued. If there was, however, any doubt on its authenticity, then the case might be difficult.

Sir *C. Grey* said, that it appeared to him that there was no similarity between the two cases. Stockdale ought certainly to have been committed, but he was not confident the same would be said of the other party. The last witness stated, that if he did wrong, he was sorry for it, and he believed that if the privileges of the House did not require it, they would not be inclined to commit him. At the same time he did not think that there were sufficient grounds before the House to entitle the last witness to be discharged, until the evidence of other parties implicated had been heard. This was not an unimportant point, and he thought he could see the object of hon. Gentlemen who urged the House to adopt a course so different from that approved of by the majority of the House. If they could once get the House to say that this person, on the evidence he had just given, should be discharged, then they would be establishing this principle—that where a party, with a knowledge of the resolutions of this House, disregarded them, and, for instance, paid over moneys in his hands, contrary to the direction of the House—if he then came forward, and begged pardon of the House, the House would acquit him, and let him go free. He, for one, could not say that he was prepared to establish that principle.

Mr. Sergeant *Jackson* could not imagine what further facts they could require from the witness who had just left the bar of the House than those they had already got. They had the fact that he (the witness) had seized the goods of the Messrs. Hansard; they had the fact that those goods were sold; they had the fact that the witness was apprised of the resolutions of this House; they had also the fact of the money that was received by the sale of the goods; they had the warrant under which he acted; and then they had the fact that the witness begged pardon of the House if he had committed any offence against it. He therefore begged to know if that House doubted the truth of any of those facts? If they did doubt, he admitted they ought to pursue this investigation further. If it were necessary to establish other facts, the House might act as it thought proper; but he (Sergeant Jackson) respectfully suggested, that the House ought not to detain that man upon the bare possibility of his evidence being again required. Let the case of every individual concerned in this business be discussed upon its own merits. He strongly objected to hon. Gentlemen of that House imputing motives to the Members who sat at his side of the House. He begged to assure hon. Gentlemen, that his side was actuated in their motives by the principles of justice. They had no other interest than that of supporting the substantial interests of that House, and the maintenance of their just rights, privileges, and prerogatives, which could only be maintained, by rendering them consistent with the liberties of the people. He did think that, in the present instance, the House was attempting to arrogate to itself an authority which it had no right to; and, to set itself in opposition to, and above all, the concurrent and concomitant jurisdictions and constitutional authorities of the country, and so, as it were, to ride roughshod over the people of this country. Feeling deeply impressed with this view of the subject, he had been obliged, though with great regret, to separate himself from many gentlemen with whom he had been accustomed to act, and for whom he entertained the greatest respect.

Lord *John Russell* said, he thought that sufficient had been heard from the last witness to ascertain that a breach of privilege had been committed by him. But when he came to consider what degree of criminality attached to that offence, and with what degree of punishment it should be visited, he did not think that there was a sufficient number of facts before him to enable him to come to a just conclusion. This party had represented himself as having acted under the orders of others, and in so doing, not wishing to commit a breach of his own duty, nor to give offence to this House; and he had, moreover, put in the warrant under authority of which he had acted, and which he would read to the House. [The noble Lord read the warrant, which was in the usual form of such documents. On coming to the words " and by virtue of the Queen's writs to me directed," there was loud and general cheering]. At the foot of this warrant was the following caution—" before you levy upon the said defendant, beware that the parties are not privileged as ambassadors, or servants to ambassadors, or otherwise privileged or protected."

Mr. *Cresswell* thought the noble Lord had removed all the difficulty in which the House was placed before. The only question then was, whose case were they discussing? He understood the noble Lord to say, they were discussing Hemp's case, with a view of dividing upon it.

Lord *John Russell:* No, no. What is proposed is, that we should call in the sheriffs, and I stated reasons why we should call in the sheriffs before we proceeded to adjudicate in Hemp's case.

Mr. *Cresswell:* that was exactly his meaning. Then he would take the liberty of asking for what purpose was Hemp called? Was he called as a witness against the sheriffs? [" *Oh! oh.*"] He would take the liberty of asking the Gentleman who cried " oh," on whose case did he consider he was going to adjudicate? Was it Hemp's case, or the sheriff's? He was bound to know the name of the party on whose case he was about to adjudicate. He had imported from elsewhere certain professional prejudices, and he would not like to give a judgment before he knew whose case he was going to decide. He had understood that Hemp was to be brought there as a party, and not as a witness. Was Hemp examined as a party who might, by his evidence, prove that he had been guilty of a contempt, or was he called to prove that somebody else had? They could not have two cases on at the same time.

Sir *Robert Peel* confessed, that he could not see the slightest difficulty in the case. There were two questions. First of all, the question relating to Mr. Stockdale, which was completely separated from the other. Mr. Stockdale was responsible for an act which they were to presume he had been the sole adviser of. He had instituted the action, and the House considered the execution of the action to be a breach of its privileges. They could not meet with any other person responsible for the institution of the action, and, therefore, considering it was a breach of privilege, and an admitted intentional breach of privilege, they determined to submit him to punishment. The present case raised another question, which would require mature deliberation, namely, in what way could they most effectually proceed for the vindication of their privileges. Would the most effectual mode be (and he wished not to be understood as giving any opinion upon that at present) to prevent, if they could, the payment of the damages over? He could not give an opinion on that until he had examined the different parties interested. They were not then in Hemp's case singly. He did not consider that Hemp's name had a criminal foreboding, and that the use of anything like his name was immediately to follow up his examination. But the question was, should they discharge Hemp then, or keep him for two or three hours till they were enabled to see whether they would require his evidence again? It was not to be inferred that he must necessarily be punished; but the question was, whether, in this transaction, where there were various agents employed, sheriffs and subordinate officers, and so on, they should decide on one of the cases till they had heard the whole. He thought it would be more just not to deal with Hemp's case, which he begged to say he did not consider at present in the slightest degree as a criminal case, until the whole of the evidence had been heard.

Mr. Sheriff Evans and Mr. Sheriff Wheelton were called to the bar.

The *Attorney General:* You are the sheriffs of the county of Middlesex?—Mr. Sheriff Evans: We are.

Who is your under-sheriff?—Thomas France.

Does any other person act as Under-Sheriff?—Mr. Jackson is my colleague's Under-Sheriff.

Does Mr. Burchell act as under-sheriff? —I believe he does.

When did you first appear in these proceedings against Messrs. Hansard?—I do not recollect exactly, but I think it was in November.

Was there a notice served on you, Mr. Evans?—There was.

Was there a notice served on you, Mr. Wheelton?—Mr. Sheriff Wheelton: there was.

Mr. Sheriff Evans; I handed my notice to the under-sheriff.

Mr. Sheriff Wheelton: And I pursued the same course.

The *Attorney General:* Have you got a copy?—Yes: it is dated the 14th of November.

[The copy was handed in, and read by the clerk at the table.]

The *Attorney General:* Was there any other notice served upon you?—Mr. Evans: There was.

The *Attorney General:* Please to hand it in.

The notice, which was dated the 4th November, was then handed in and read.

The *Attorney General* inquired if any other notices had been served upon them, and the answer was in the affirmative.

Mr. Sheriff Wheelton then handed in copies of all the notices which had been served upon him, and they were read at length by the clerk at the table.

The documents were read by the clerk at the table, after which the examination was resumed.

In answer to questions put by the Attorney-general, the sheriffs stated that they had not given any orders to stay the execution of the writ; that they left those matters to the under-sheriffs; and that they understood they were bound to obey the orders of the Court of Queen's Bench; that they handed over the notices they had received to the under-sheriffs.

But the under-sheriffs are under your control?—Certainly.

Were Messrs. Hansards' goods sold under the authority of a writ of execution issued by the Court of Queen's Bench?—We understood so.

You know what became of the money produced by such sale?—Personally we do not. The under-sheriffs, Messrs. Burchell and France, manage those matters, and we have not the money in our own possession.

But Messrs. France and Burchell have authority to receive money on your account?—Certainly.

Then they have received the proceeds of the sale?—I believe they have, as under-sheriffs.

And continue in possession of it?—Yes.

It has not been paid to Mr. Stockdale or to the Court of Queen's Bench?—Certainly not to Stockdale, but as to the Queen's Bench, we are not certain.

Do you not know that it still remains in the hands of Messrs. Burchell and France? —We consider so.

Mr. *O'Connell*: Did you ever give orders to your under-sheriffs not to attend to the resolutions or orders of this House? —Mr. Sheriff Evans: We never gave such orders; but we considered ourselves and our deputies bound to obey the orders of the Queen's Bench.

Mr. *O'Connell*: What! if they should clash with the orders and resolutions of the House of Commons?—We gave no orders to disobey the resolutions of this House.

In answer to Viscount *Howick*, the sheriffs said, that if they gave orders to the under-sheriffs for any particular purpose, they (the former) considered those orders would be obeyed; and that while the money was in the under-sheriffs' hands it was considered in the custody of the sheriffs themselves.

Sir *R. Peel* then asked, if this had been a mere ordinary action in which the plaintiff had recovered damages in the usual way, would they have paid over the amount in the usual way, without taking steps for delay?—They would not have taken steps for delay.

Sir *R. Peel*: Had you a doubt as to the propriety of paying the damages to Mr. Stockdale?—Mr. Sheriff Evans: Yes, we had; and we, therefore, gave directions to our under-sheriffs to retain the money in their hands as long as they possibly could do so, consistent with the orders of the Court of Queen's Bench. We wished to retain the money until the House met.

Sir *R. Peel*: If you do not pay over the money to Mr. Stockdale, do you consider yourselves legally responsible to him for the amount of the verdict?—Mr. Sheriff Evans: We have received a notice from the Insolvent Debtors' Court not to pay over the money to Mr. Stockdale, but to pay it to Mr. Stockdale's assignees for the benefit of his creditors.

The notice from the Insolvent Court was put in and read.

Suppose Mr. Stockdale wanted to get the money from the hands of the sheriff, would not his remedy be by action against the sheriffs?—Yes, against the sheriffs,

By Mr. *Cresswell*: When you received notice from the House not to proceed to execute the writ of inquiry, did you cause any application to be made to the Court of Queen's Bench to enlarge the time?—We did.

In order to prevent the necessity of proceeding and of creating delay?—Certainly.

In the case laid before the Court of Queen's Bench did you make a statement of all the matters referred to to-day, of the notices received, and of the difficulty respecting the House of Commons?—I believe every step was taken by the under-sheriff which he was bound to take, or which was considered necessary.

Were all such measures as were necessary to obtain delay taken by the ordinary proceedings of the court?—We did.

You took no step, except by order of the court?—Certainly not.

Mr. Sergeant *Jackson*: Are you sworn to execute all the Queen's writs:—Yes.

The *Attorney General*: That is to say, all writs issued according to law. Has it ever happened with you to have been served with an injunction from the Court of Chancery, forbidding you to execute some particular writ that had been placed in your hands?—I believe not. I am not prepared to say, that such may not have have been done; nor have I understood to the contrary.

If an injunction should have been served on you from the Court of Chancery forbidding you to execute a certain writ, would you, notwithstanding such injunction, proceed to execute that writ?

Sir *Edward Sugden* objected to the question.

Sheriffs withdrew.

The *Attorney General* said, that the question he wished to put was this—suppose a writ of execution to be delivered to the sheriff in the name of the Queen directing him to seize the goods of the person named in that writ, and that there came an injunction from the Court of Chancery forbidding him to execute that writ, would he (the sheriff) consider it contrary to his oath to suspend the execution of that writ?

Sir *E. Sugden* said, he had taken the liberty of interposing, by calling the hon. and learned Gentleman to order, because he thought the question an improper one. The sheriff was not a legal person from whom they could expect a satisfactory answer. It was a question of law which that House was in a condition to discuss. The sheriff knew nothing upon the subject. If he gave an incorrect answer, they would thereby only convict him of ignorance, without in the least degree settling the point. Every one was aware that an injunction from the Court of Chancery overruled proceedings at common law; bnt then that was by law. It was not right to convict the sheriff of an error that he might commit under certain circumstances of which he had had no experience.

The *Attorney General* would not have put the question, but for that put by the hon. and learned Member for Bandon, which was intended to create an impression on the minds of hon. Members, that all writs in the name of the Queen must by law be executed.

Mr. Sergeant *Jackson* had not put any question of law to the sheriffs; he had merely questioned them as to a matter of fact.

Lord *J. Russell* certainly thought, that the hon. and learned Member for Bandon had introduced the words "by law" into his question, which was in accordance with his previous argument. What was done by the Court of Queen's Bench was done by law; so also was what was done by the Court of Chancery done according to law; and so also, in his mind, what was done by Parliament was done according to Parliamentary law, which he held to be as much the law of the realm as any other law.

Sir *Robert Peel* observed, that if they went on arguing in this way they would never close their proceedings. The point in dispute was, whether a certain question should be put—a question which he thought perfectly correct, if the sheriff had had experience on the subject. Not having had experience, he might have said, that it was a point of great difficulty, and would consult the Attorney-general upon it.

Mr. Sergeant *Jackson* begged to say, in explanation, that he certainly had not intended to ask the sheriff whether he had sworn to execute all the Queen's writs according to law, but simply as to the fact. If his question were read, that would be found to be the case.

Sheriffs recalled.

Mr. *Godson:* I believe no one step was taken by you in this case until you were compelled by the Court of Queen's Bench?

Mr. Sheriff Evans: No.

Mr. *F. Kelly:* On entering office did you take all the oaths required by law?—Certainly.

And since then have you left to your under-sheriffs the whole management of writs?—Yes.

Lord *J. Russell:* The order to sell was given by your authority?—Yes.

Mr. *Blewitt:* You stated that you were anxious to defer the proceedings until Parliament met; was that in order that you should receive its instructions and abide by its orders?—No; for we were determined to abide by the orders of the Queen's Bench.

Mr. *Jervis:* You delayed in order to give the House an opportunity of investigating the question?—Yes.

Mr. *T. Duncombe:* If the Court of Queen's Bench should desire you to pay the money into the hands of Mr. Stockdale, are you prepared to do it?

Viscount *Howick* objected to the question, as the answer might bind the sheriffs to a future course of conduct, which he thought would be unfair.

The sheriffs withdrew.

Mr. *T. Duncombe* said, he should wish to know if questions were not put the day before to the unfortunate Stockdale which tended to criminate him? Was he not asked, whether he knew that he had been guilty of a breach of privilege? And when it was proposed to ask him, as Hemp had been that day asked, if he had anything to say in explanation, did not the noble Lord object, and say, that having been guilty of a breach of privilege, they would receive no explanations? Hemp said he had none to offer, but that if he had done wrong he was sorry for it. Might not Stockdale have said the same thing? When the public came to read the examinations of yesterday and those of to-day, would they not think, that the courage of the House had oosed out, and that they were now shrinking from the courts of justice? They might have a vicious man for their client, but that had nothing to do with the question. It mattered not whether Mr. Stockdale was high or low—whether he was affluent or poor—whether they had the pauperised Mr. Stockdale or anybody else for their client—it was all the same; they were bound to administer equally that justice which every Englishman was entitled to demand. He therefore said, that if he were not allowed to put that question, it would be apparent, that the House was afraid of coming in contact with the courts of law.

Viscount *Howick* said, he did not object to the question because it tended to criminate the sheriffs, but because he thought it would be unfair to ask them to pledge themselves to any future course of proceeding. He had always held, and still held, that that House had a right—very different from the practice of courts of law—to require parties to acknowledge offences which they might have committed. They had accordingly requested the sheriffs to avow, and they had avowed, that they had given authority for that which was considered a breach of the privileges of that House. To that course he offered no objection, because he thought it a perfectly correct course. But he did object not to asking the sheriffs what they had done, but to asking them what they would do under circumstances that had not yet arisen, and which they had not had time duly to consider previous to deciding what their line of conduct ought to be. No such course had been adopted with regard to Stockdale. They had not asked him any question by which they could pledge him to any future step. He would moreover state, in consequence of his hon. friend's allusion to Hemp's expression of regret, that Stockdale had been afforded ample opportunity of giving any explanation he could. Had he not openly and expressly stated that it was a question raised for the purpose of trying the privileges of that House? He certainly thought, that after his examination, and previous to his committal, it would have been very wrong to have allowed Stockdale to enter into an argument against their privileges. That would have been a course calculated to compromise the dignity of the House, and which he believed would be contrary to precedent. He did not see the slightest analogy between what occurred yesterday respecting Stockdale, and that day's examination of Hemp.

Question withdrawn.

Sir *E. Sugden* first begged to know if it was intended that the House of Commons should retain possession of the several documents which had been handed in by the persons who had been summoned to the bar, or return them, as being their only authority for the acts they had committed? He was not prepared to say whether the House ought to do so or not; but if it were so intended, he was of opinion that such a step should be done openly and avowedly.

The *Attorney General* was understood to say that the papers which had been handed in were for the purposes of the inquiry. He should say that when the inquiry was over they would be returned.

Mr. France, the under-sheriff, called in.

The *Speaker.*—What is your name?—Thomas France.

By the *Attorney General.*—Are you, Mr. France, under-sheriff for the county of Middlesex?—I am.

How long have you acted as under-sheriff?—I believe you have before filled that office? I have—twice before. I have held the office for sixteen years.

Were any notices served upon you in regard to the proceedings in the action between Stockdale and the Messrs. Hansard?—There were.

When was the first notice served upon you?—The first notice, I believe, was served on the 4th of November.

Are all the notices which were served upon you in the report?—I believe they are.

The report was handed to Mr. France, and having examined it, he said that he believed it contained all the notices.

Examination continued by the *Attorney General.*—All the notices in the paper which you have been shown were served upon you?—I believe they were.

And at the time stated in the paper?—On the day on which they are dated, or a day or two after.

Did you communicate, in reference to these notices, with Mr. Evans, the sheriff, or his colleague?—Certainly.

Did they give you any directions on the subject?—Yes, they gave the directions usually given. I was directed to protect their interests, and to do everything according to the oath which they had sworn, and which oath I also had taken.

Were you aware of the goods of the Messrs. Hansard having been distrained upon under a writ of *fieri facias*?—It was so reported to me by the officer Hemp.

Were the goods sold under a writ of *venditioni exponas*?—I believe they were not sold under a writ of *venditioni exponas*, but under a bill of sale. I hope, however, that I shall be allowed to state the nature of the offices of sheriff and under-sheriff. The sheriffs appoint their under-sheriffs, and the under-sheriffs again appoint their deputies, and the last named office is at present filled by the Messrs. Burchell, through whom the under-sheriffs act. The mere official part of the duty is performed by the Messrs. Burchell, who indemnify the under-sheriffs as they indemnify the sheriffs.

You know, probably, that under the bill of sale the money was levied?—It was.

Where is the money, the proceeds of the sale?—In the hands of the Messrs. Burchell.

On behalf of the sheriffs and under their control?—Certainly, under the control of the sheriffs. The sheriffs gave directions to their under-sheriffs, who are not responsible.

Whilst you have been under-sheriff have you known an injunction from the Court of Chancery, after the writ has been issued, to stay the execution?—Certainly. An injunction from the Court of Chancery stays the execution, but not the trial.

An injunction stays the execution of the writ?—Yes.

Whilst you have been under-sheriff have you known an injunction from the Court of Chancery to stay the execution after the writ has come to the office?—I have.

Upon the service of such injunction is the execution invariably stayed?—Certainly. It would be a contempt of the Court of Chancery not to stay the execution.

If the Court of Queen's Bench rules the sheriff to return the writ, is that writ not executed by reason of such injunction?—I have never known the court to make a rule to return a writ when an injunction has been served. In fact, as the injunction is served on the plaintiff as well as on the sheriffs it would be a contempt to apply for such a rule. That is my idea.

Then, under these circumstances, when an injunction has been issued, the execution of the writ has been frustrated?—It has.

Was any application made to the Court

of Queen's Bench in this case to postpone the execution of the writ of inquiry?—There was an application to the Court upon an affidavit made by me. I may be permitted to say that the cause for doing so was, that knowing the rules of this House, I considered the notice of the resolution which had been served upon me in the nature of an injunction from the Court of Chancery, and I, therefore, stated the whole circumstances in my affidavit. The application was made to the whole court, but the judges referred the matter to Mr. Justice Littledale, before whom it was argued with much learning and ingenuity by gentlemen of great ability for two days. Mr. Justice Littledale, however, refused the application, and did not grant the sheriffs protection.

He refused the application?—He did.

And the consequence was, that the writ of inquiry was executed?—Yes.

Was any other application made to a judge in chambers for delay?—Yes, two or three.

And those applications were made on the ground, that the notice of the House of Commons was in the nature of an injunction from the Court of Chancery?—I so treated it.

And you, therefore, applied for delay in the execution of the writ?—I avow it; and I may be allowed to add, that it was the greatest desire of the sheriffs, as well as of the under-sheriffs, to get rid of the matter for a time in order to allow the House an opportunity of coming to some resolution upon the subject. That was the object of the applications for delay, and the matter now stands thus:—A rule *nisi* has been obtained by Mr. Platt for paying over the money, which will, as it expires to-day, be made absolute, no cause shown.

The applications for delay which you have mentioned all failed?—All.

Did you think of making any special return to the writ of *fieri facias*?—I did not; because some eminent gentlemen at the bar were of opinion, that it was better to make the return in the usual way. The money was, therefore, levied, and is now in our possession.

And you levied without making a return to the court, that you had received a notice, that this proceeding was contrary to the rules of the House of Commons?—That arose from the circumstance of the court being already aware of the fact from the affidavit which I had filed.

Then you tell us, that a rule has been obtained from the Court of Queen's Bench to show cause why the money should not be paid to Stockdale?—Yes.

And cause has not yet been shown?—Not yet.

Then there is still an opportunity to show cause against the rule being made absolute?—Yes; and I intend to do so.

And you will have an opportunity of laying before the court any facts which may be considered as an excuse for not paying the money?—Such is my intention; but it will depend on the pleasure of the House whether I am detained here or not.

The rule will not be disposed of for several days perhaps?—I think not.

And if the rule does not come on for several days, will you have an opportunity of making an affidavit, and of laying before the court any facts that now exist, or which may exist, before cause is shown, and which may be considered as sufficient to induce the court to discharge the rule instead of making it absolute?

Mr. *Kelly* objected to the question.

Mr. France withdrew.

Mr. *Kelly* said, he objected to the question of the Attorney-general, because no question ought to be put the answer to which might tend to the injury of the party. He had heard, during the course of these proceedings several objections to questions tending to entrap the person under examination into a reply which might seriously inculpate him. He was sure, that nothing was further from the intention of his Friend, the Attorney-general, but he thought his learned Friend must see, that such a question ought not to be put. It might be, that Mr. France would answer, that he would have such an opportunity as the Attorney-general had alluded to, and he might instruct his legal adviser to make an affidavit accordingly. It was, however, to be recollected, that Mr. France had stated, that the day appointed for the consideration of the rule was passed, and according to the strict practice of the court, although the rule was often departed from, no affidavit containing new matter could be made after the day first appointed for showing cause. [The *Attorney-general:* No.] If the Attorney-general would undertake to say, that it was the right of parties showing cause against a rule to make an affidavit containing new matter after the day appointed for the discussion of the rule had passed, he should, although he was of a contrary opinion, make no further objection to the question.

The *Attorney General* felt himself called upon to defend the question. He did so because he considered it of great importance, and because, as it related only to the practice of the courts of Westminster-hall, the answer could not affect the under-sheriff personally.

Mr. *Cresswell* suggested that the question was not necessary. If they disposed of this matter to-day, and if the case did not come on before the court till Wednesday, the under-sheriff would then have an opportunity, when cause was shown, of stating any facts he might consider necessary to induce the court to discharge the rule instead of making it absolute. He was certain the House would rather take the law upon the subject from the Attorney-general himself than from the party under examination, and he, therefore, trusted the question would not be pressed.

The *Attorney-General* was only desirous that the House should be in possession of a fact which he considered material. The practice of the court was a mere matter of fact, and he was anxious that the House should have that fact from Mr. France, who was perfectly competent to give it, rather than from himself.

Mr. *Kelly* after what had fallen from the Attorney-general, would withdraw his opposition.

Mr. France recalled. The Attorney-general having repeated the question, he replied—If the rule is not argued for some days, an affidavit will unquestionably be made, and it will be made by myself.

By Mr. Sergeant *Jackson.*—On entering upon the duties of your office were you sworn to pay obedience to all the Queen's writs?—I have a copy of the oath in my pocket, which I will read to the House if I am desired to do so. The oath taken by the under-sheriffs is the same as that taken by the sheriffs; the only difference being that the word "under-sheriff" is inserted instead of the word "sheriff."

Mr. France read the oath, which contained words to the following effect:—"I will truly return, and truly serve, all the Queen's writs, according to the best of my skill and knowledge."

Have any writs of injunction from the Court of Chancery ever come to you commanding you not to execute the Queen's writs?—Certainly.

Have you ever taken an oath to obey the resolutions of the House of Commons?—No.

By Mr. *Warburton.*—Have you ever received the Queen's writs to execute against privileged persons?—Certainly.

When it comes to your knowledge that they are privileged persons, do you feel it consistent with your oath to levy execution upon them as if they were not privileged?—Certainly not.

By Lord *J. Russell.*—What course do you then take?—We make a special return.

By Mr. *Kelly.*—With respect to the answer which you have just given as to the execution of writs against privileged persons, is there not a warning given to the officers of the sheriffs on the writs themselves to beware of arresting privileged persons?—It is inserted at the bottom of the warrant, according to the act of Parliament.

You have stated in answer to a question put to you by a noble Lord, that in certain cases where the question of privilege arises, you return the matter specially to the court from which the writ issues?—I do.

Is that the mode by which, in due course of law, you bring the question, whether the party is privileged or not, before the consideration of the court?—It is.

And does the court, by due course of law, adjudicate on the question so brought before it?—It does.

If it turns out that the party is not entitled to privilege, then the sheriff would be ordered to amend his return, or an action might be brought against the sheriff for a false return.

You have said that you have occasionally received injunctions from the Court of Chancery against levying on a writ of execution?—Yes; several.

And you stated that you have long been accustomed to discharge the duties of the sheriffs' office?—Yes.

How long?—25 years.

In the course of that period did you ever know or hear of the interference of the House of Commons in the execution of any writ from any court?—Never, in my life.

Is a writ of injunction a common pro

cess of the Court of Chancery, and is it recognised as such by the courts of common law?—It is.

You have stated, that in this case you applied to the Court of Queen's Bench for directions. At what stage was it you made your first application?—Immediately after the lodging of the writ of inquiry in the office. The sheriff had no notice until the writ of inquiry was in the office, and as soon as possible afterwards the application was made to enlarge the time.

I understand you, then, to say, that you received the writ of inquiry, and that then you applied to the Court of Queen's Bench?—Had you received in the mean time notice on the part of Messrs. Hansard, that if you proceeded in that writ you would be guilty of a breach of the privileges of the House of Commons?—Yes; and one or two further notices of the resolutions of the House of Commons to that effect.

I ask you, did you bring before the Court of Queen's Bench on affidavit all the notices which you had received, and all the resolutions of the House of Commons of which you had knowledge?—I did. There was some little difficulty. The notices were signed by Parkes and Preston, as solicitors of Messrs. Hansard. In strictness they ought not to have been attended to. We did not know Parkes and Preston as solicitors on the record. We only know the attorney on the record. They were not on the record. Still I thought it only fair to this House to state to the court all that I knew on the subject.

You knew, then, that Parkes and Preston represented the Messrs. Hansard, though they did not appear on the record?—Yes.

Did you, among the other reasons which you laid before the Court, likewise bring before it the resolution of the House to this effect—that any court by assuming to itself the power to determine the question of privilege was guilty of a breach of privilege?—Yes, I did.

I understand you to say, that it was distinctly made known to the Court by affidavit that the question of privilege was raised on this occasion?—Certainly.

Have you, from the beginning to the end of this transaction in every step which you have taken in relation to the Messrs. Hansard acted otherwise than in strict obedience to the Queen's writs?—Certainly not. In common cases I should not have gone to the length of obtaining a peremptory rule to return the writ. It is not usual to do so. In this case, knowing the importance of it, we did nothing without receiving a peremptory rule. If the sheriffs had not obeyed those rules, they would have been in contempt of the Court of Queen's Bench, and would have been punished accordingly.

Have you from the time the writ of inquiry was issued down to the present moment interposed every delay not inconsistent with the oath you have taken, and with your obedience to the Queen's writ?—Certainly.

Do you know that when the sheriff refuses to pay over the money levied by a writ of execution, he is liable to an attachment, and to be sent to prison?—Yes; unless there be a special endorsement on the writ.

Have you returned that you have the money ready for the court, according to the exigency of the writ?—Certainly.

In the event of the rule being made absolute, is the sheriff liable to an attachment, unless the money be paid in according to the rule?—Certainly.

The sheriffs—have they acted in this business except through you and your colleague?—Certainly not.

By Sir *E. Sugden.*—You say that you have known several instances in which a writ of injunction has stayed a writ of execution?—Yes.

Did you ever on such occasions know of any conflict between law and equity. No.

Do you consider the authority of a court of equity in such cases is submitted to by the courts of common law?—Yes.

And that no one would bring that question into discussion?—I certainly would not be concerned in it.

By Mr. *Godson.*—Supposing that this had been an ordinary case, would the money have been paid over and handed to the sheriff immediately?—Yes.

In reply to Mr. *Blewitt*, the witness stated, that the writ of injunction imposed no obligation on the sheriff, unless it was under seal, but that any party might place that writ under seal. The writ of injunction was a Queen's writ. He never knew an instance of a writ of injunction coming in after a writ of execution had been levied.

By Sir *C. Grey.*—In the oath which you have read to us, is the expression that you will execute all writs, or that you will duly return all writs?—"Truly return and duly serve" all writs.

By Sir *R. Peel.*—The words of the oath are, "I will truly return and duly serve all the Queen's writs according to the best of my skill and knowledge." I suppose that the ordinary construction of those words is, "I will duly execute such writs?"—Yes.

In the case of a writ of *venditioni exponas*, you give positive orders to the officers of the sheriff to proceed to a sale?—Yes; that writ is issued in the Queen's name. It is in the name of a command. The words are, "We command you," &c.

In case of a writ of injunction issuing from the Court of Chancery, you consider yourself at liberty, in compliance with the terms of your oath, to disobey that order or command?—The writ of injunction is another command from the Queen, and therefore we feel ourselves at liberty to disobey the first.

You promise to execute all writs which come to you in the Queen's name. Do you not consider it a breach of your oath to disregard the first writ?—No; for we have another command of the Queen. That writ is a prohibition upon the first command.

Does it make reference to the previous writ in the Queen's name?—Yes, so far that all process hitherto issued is to be stayed.

Does the sheriff swear to execute all the laws and statutes of this realm?—Yes.

If it can be shown that the privilege of Parliament is part of the law of the land, would not the sheriff consider the House of Commons to stand in the situation of the Court of Chancery, and to be entitled to have the proceedings in a case like the present stayed?

The question was objected to by Sir *R. Inglis*, and withdrawn.

By Sir *E. Sugden.*—The first writ of execution you are commanded to serve; the next, that of injunction, commands you to stay the service; now, in point of fact, you really execute both; that is, you execute the one till it is stayed by the other—you execute the one till it is countermanded by a higher authority?—Yes, I consider that the Court of Chancery possesses a greater authority than the courts of common law.

It is the authority of law in both cases, one practically suspending the other?—Yes.

By the *Attorney General.*—You say you pay the same attention to the order of a court of equity commanding the stay of all process, that you do to a writ, before any writ is made out?—Constantly; I make no distinction.

Is that order an order to the sheriff for an injunction?—Yes.

Whether it be in the Court of Exchequer, the Vice-chancellor's Court, or whether it come from the Master of the Rolls or the Lord High Chancellor?—Certainly.

Any copy of any order made by them, served on you, you pay obedience to, suspending the execution of any writ at common law?—Yes; at the same time they produce the original order.

But without any writ of injunction?—Certainly.

By Mr. *Law.*—The six clerks consider the order as equivalent to the writ, and will make the writ out upon the order.

By Sir *C. Grey.*—When you receive a writ of *capias*, commanding the arrest of a person, what do you consider the execution of that writ?—When he's captured.

If that person is a privileged person, you do not capture him?—Certainly not.

Do you consider when you abstain from that arrest on the ground of privilege that the writ is duly served?—Certainly not; if he is privileged he is not served at all.

In that case do you return why it is not served?—We do, if a return is called for.

By Mr. *Creswell.*—Have you been served with any order emanating from, or purporting to emanate from, this House, not to execute the writ in question?—No further than the printed papers, like this, which I took for granted might be originals or might not. But I treated them as original papers.

My question is, whether you were served, not with any papers by the persons acting as the Messrs. Hansard's solicitors, but with any order coming from, or purporting to come from, this House?—Certainly not.

Witness withdraws.

Lord *J. Russell* said, that after hearing the evidence of the sheriffs and under-sheriffs, as well as the evidence of the previous day, he did not think that it would be necessary to call Mr. Burchell to the bar, as it appeared that he had acted merely as the agent of the under-sheriff; but considering the length of the examinations, which rendered it hardly to be expected that the House could carry the whole of them in their minds, and recollecting the importance of those examinations, and also the fact that many hon. Members were absent, who were not aware of the importance of the proceedings of that day, he was not prepared to ask the House to agree to any further proceedings at present, but would state on Monday next the course which he thought it most advisable for the House, under all the circumstances, to pursue.

Sir *E. Sugden:* The better course would be for the noble Lord to state his intentions now.

Lord *J. Russell,* if the House would permit him, would now move that the sheriffs be again called in, and asked if they wished to state any thing further. With regard to the suggestion of the right hon. and learned Gentleman, he was of opinion that in a matter of this importance, it would be more respectful to the House not to state until Monday the course which he should think it advisable to pursue, and they might adopt this course with the more safety now that they had it in evidence that it was scarcely possible the rule calling on the sheriffs to pay over the amount of damages could be made absolute for several days.

Sir *E. Sugden* said, that if the noble Lord had not made up his mind as to the course which he thought it advisable to pursue, there could be no objection to acceding to his proposition for delaying his statement to Monday; but if the noble Lord had made up his mind, he thought it quite proper, that he should state at once the course which he intended to pursue, in order that Members might have time to consider its propriety.

Sir *R. Inglis* hoped, that the noble Lord would have no objection to the motion which he would make—namely, that the sheriffs, under-sheriff, and bailiff, should be discharged from any further attendance on the House.

Lord *J. Russell:* If they are ordered to attend on Monday, that is virtually discharging them from their attendance. The motion at present before the House is, that the sheriffs be called in, and asked if they wish to state anything further. Does the hon. Baronet object to their being called in?

Sir *R. Inglis* had uniformly objected to the sheriffs being called to their Bar; but as the House had decided to have the bailiff asked if he had anything further to state, he could not, in justice to the sheriffs, object to the same course being pursued with respect to them.

Sheriffs called in.

The *Speaker:* I am desired by the House to acquaint you, that if you have anything to state to the House, the House will hear you.

Mr. Sheriff *Evans:* We certainly wish to have an opportunity of stating, that if, in the execution of our painful duty, we have incurred the displeasure of this honourable House, we deeply deplore it.

Sheriffs withdraw.

Sir *R. Inglis* moved, that the sheriffs, under-sheriff, and bailiff be discharged from further attendance on the House,

Lord *J. Russell* moved as an amendment, that they be ordered to attend on Monday next.

Sir *E. Sugden* rose to ask his hon. Friend the Member for the University of Oxford, to withdraw his motion; and then, if the noble Lord opposite withdrew his amendment, the matter might proceed regularly. The time had not arrived at which the House could properly decide, whether the sheriffs should be discharged or not. He wanted, above all things, to know what the noble Lord who conducted this investigation proposed to do. He understood the noble Lord to say, that he had not yet made up his mind, and would not state his motion until Monday next. The motion of his hon. Friend, therefore, appeared to be premature.

Mr. *Law* said, that he would certainly support the motion of his hon. Friend the Member for the University of Oxford, unless the noble Lord stated the course which he would be prepared to propose to the House on Monday next. The rapidity with which the House was invited to come to a determination on the previous examination of Mr. Stockdale—the omission of the form of calling that person into the House, for the purpose of asking him whether he had anything to state by way of explanation—afforded a most painful contrast to their proceedings with regard to those highly respectable individuals the sheriffs. Unless the noble Lord was prepared to state the course which he meant to pursue on Monday, he thought it was the duty of the House to relieve from all farther anxiety those gentlemen, who had, in their examination, conducted themselves with such perfect candour, and who had shown, that if they had in the course of their duty done anything which called for animadversion, it arose from a too great facility in treating as an order of the House, matter that was not formally submitted to their attention under the authority of the House, and who, if in their anxiety to stand well with, and respect the authority of the House, they had overstepped their duty at all, did so in condescension to the supposed wishes of the House. The only observation made by those honourable and distinguished individuals, when called to the bar to know whether they had any explanation to offer, was to assure the House that what they had done, was in the discharge of a painful duty, and that they deeply deplored, if in the execution of that duty, they had been so unhappy as to fall under the displeasure of the House. He thought, that the House ought to signify to those gentlemen, that as far as they were concerned, they were absolved from all criminal animadversion; and that they were now at liberty to consider themselves acquitted by the House. He thought, that the noble Lord ought to be prepared to state at this moment the course which he meant to pursue. He could not but allude in the most complimentary terms to the conduct and demeanour of the gentlemen who had just left the bar of the House—a demeanour which fully invited the prompt dismissal which he had the honour to propose. He, therefore, must sustain to the extent of his humble vote, and support the motion of his hon. Friend the Member for the University of Oxford, unless the noble Lord gave that information to which he conceived, that the House was entitled.

Sir *R. Peel* said, that in this case also there appeared to him to be two questions which were perfectly distinct. One was the personal conduct of the sheriffs, the other was the inevitable bearing of that conduct upon the privileges of the House of Commons. If he were to decide the question upon its personal merits with reference to the sheriffs' demeanour and conduct, he should say at once, judging from what he had just seen and heard, that he could not conceive conduct more honourable. Their evidence was the evidence of men determined to tell the truth, recognising the difficulties of their position, seeing that there were conflicting authorities, and being unwilling to offer offence to either side, but anxious to take that course which upon the whole would be most consistent with justice. Was there any man in that House who did not see the peculiar difficulties of their position? Therefore he said, that when the sheriffs left the House they would leave it at least with the consolation that there was but one unanimous feeling of the difficulties of their situation; and, what was more important, one unanimous impression, that as far as the House could judge of the difficulties of their position, they had comported themselves as honourable men. That was the answer he should make to that part of his hon. and learned Friend's speech which referred to the conduct of the sheriffs; and if he thought it was any indignity to them to ask them to be in attendance on Monday, he should be exceedingly sorry to be a party to it. He did not consider it of the least importance, and he was perfectly sure the sheriffs themselves would not conceive it any discredit or imputation of misconduct. But the noble Lord was asked to tell at once, and on the instant, the course he intended to pursue. Supposing he did so, what would be the conclusion? The noble Lord had called witnesses to appear at the bar for the purpose of hearing their evidence, and if he now mentioned the course he should take, it would at once be said that his course had been ready prepared and determined upon before he heard the evidence. Having heard that evidence for the space of three hours, would it not be the prudent course—as they understood that no process would issue from the Court of Queen's Bench, and that they would be in the same position on Monday as they were now—and the course also most in conformity with the ordinary proceedings of the House, that they should reserve to themselves the opportunity of maturely considering during twenty-four or forty-eight hours the bearings of the question? His hon. and learned Friend said the House ought to make up for the rapidity of their judgment last night by the rapidity of their decision in the present case. Certainly in machinery there were some beautiful systems of compensation, by which the contraction of one part and the expansion of another maintained equilibrium, but he confessed he thought it would be an odd species of compensation to compensate for supposed imprudent rapidity in dealing with the case of Stockdale by pressing the same excess of rapidity in deciding on the case of the sheriffs. Supposing they had decided rapidly in the case of Stockdale, he should rather think that ought to be a beacon and a warning to them against repeating the impropriety; but he could not admit the assumption of his hon. and learned Friend. In the case of Stockdale they had an instant and candid acknowledgment of the offence,—the letter in which he avowed that he intended to try the question with the Messrs. Hansard, though he knew that the House would consider it a breach of privilege. It would no doubt have been a more regular method of proceeding, to have had the original letter produced to the House, and proved to be his handwriting, and if they had done so, without extorting any admission of the fact from him, they would have had at once complete proof that he had been guilty of a breach of privilege, and that he intended it. The case of Stockdale therefore was entirely different from that of the sheriffs. Considering the importance of this case, he thought they might be chargeable with precipitation, if instantly, after hearing evidence for three hours, they proceeded to determine on the rights of the sheriffs, and therefore he must give his support to the amendment of the noble Lord.

Sir *T. Acland* thought it a bad rule to be slow to show mercy, and speedy to punish.

Sir *R. Inglis* said that judges must necessarily decide, in ninety-nine cases out of a hundred, on the evidence they had heard a few moments before. If the argument of his right hon. Friend were worth so much, as it appeared to hon. Gentlemen opposite to be, for there had been more cheering from their side of the House than from his own, he should say that it would apply to deprive the judges of the power of deciding on any case without forty-eight hours' deliberation. He held, that having decided, rightly or wrongly, the case of Stockdale without taking one hour to consider it, they were bound to exercise mercy with as little deliberation as they had executed what his hon. and learned Friend, the Recorder of London, had styled the vengeance of the House. There were four classes of persons involved in this action—the person who brought the action, the judge who tried it, the jury who pronounced the verdict, the sheriffs who executed it. He had told the noble Lord, in the first instance, that he should bring to the bar of the House either the judge or the jury. The noble Lord had brought the sheriffs, who had merely been the ministerial officers, and he had without mercy condemned the person who brought the action. He called on the House to declare, by their vote that day, whether there were in the evidence they had heard any reason why mercy should not be shown to the sheriffs. Let the House recollect, that the sheriffs were at that moment inculpated in the same general charge as Stockdale himself. On the same day the Speaker had issued his warrant for the appearance of a certain number of persons. They had condemned one, and committed him to the custody of the Sergeant-at-arms. If it were alleged that the sheriffs had committed any offence, for which they deserved to be consigned to the custody of the Sergeant-at-arms, then he could understand the refusal to set them now at liberty. But if in the judgment of all who heard him they had been guilty of no offence against the House, he called on hon. Members to support the motion he had made. He could not, consistently with the principles he had professed, withdraw it, and therefore he must press it to a division.

Sir *J. Owen* could not conceive how any Member who had voted in the minority on the previous day against the committal of Stockdale could oppose the motion of the hon. Baronet the Member for the University of Oxford for the discharge of the sheriffs. Everything he heard fortified him in the conviction that the steps which the House was taking on this matter were illegal and tyrannical.

Mr. *Ingham* felt, that on the present occasion, he should not be justified in voting for the motion of the hon. Baronet, though he had voted for the discharge of Stockdale. He understood the specific ground on which delay was asked was to afford all present an opportunity of maturely considering the evidence given at the bar by the sheriffs. The two cases were entirely different, and he did not think himself at all pledged by his vote in the case of Stockdale, right as he thought it was, to come to a similar vote in the case of the sheriffs. He asked the hon. Baronet if it would not be more honourable to those gentlemen that they should be discharged after mature deliberation, instead of by a premature vote?

The House divided on Sir Robert Inglis's motion:—Ayes 64; Noes 166; Majority 102.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ashley, Lord
Attwood, W.
Bagge, W.
Baring, hon. W. B.
Barrington, Viscount
Bateson, Sir R.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marquess of

Boldero, H. G.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Christopher, R. A.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Cresswell, C.
Darby G.
Duncombe, T.
Duncombe, hon. A.
East, J. B.
Eliot, Lord
Feilden, W.
Filmer, Sir E.
Fleming, J.
Gladstone, W. E.
Godson, R.
Gordon, hon. Capt.
Grimsditch, T.
Hamilton, C. J. B.
Hamilton, Lord C.
Hodgson, F.
Hope, G. W.
Irton, S.
Jackson, Serjeant
Jones, J.
Kelly, F.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Lincoln, Earl of
Liddell, hon. H. T.
Lowther, J. H.
Mackenzie, T.
Mahon, Viscount
Maxwell, hon. S. R.
Packe, C. W.
Pakington, J. S.
Pattison, J.
Perceval, hon. G. J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Richards, R.
Rushbrooke, Colonel
Sibthorp, Colonel
Stormont, Viscount
Vere, Sir C. B.
Vivian, J. E.
Wood, Sir M.
Wood, Colonel, T.

TELLERS.

Inglis, Sir R. H.
Law, hon. C. E.

List of the Noes.

Abercromby, hon. G. R.
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Bailey, J.
Baring, rt. hon. F. T.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blennerhassett, A
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Busfield, W.
Butler, hon. Col.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. G. H.
Chetwynd, Major
Clay, W.
Clements, Viscount
Clerk, Sir G.
Collins, W.
Craig, W. G.
Currie, R.
Curry, Sergeant
Dennistoun, J.
Divett, E.
Donkin, Sir R. S.
Dundas, C. W, D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Edwards, Sir J.
Eliot, hon. J. E.
Ellice, E.
Ellis, J.
Euston, Earl of
Evans, Sir De L,
Evans, G.
Ewart, W.
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
Freemantle, Sir T.
French, F.
Gisborne, T.
Gordon, R.
Gore, O. J. R.
Graham, rt. hn. Sir J.
Greene, T.
Greg, R. H.
Greig, D.
Grey, rt. hn. Sir G.
Grey, rt. hon. Sir C.
Hardinge, rt. hn. Sir H.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Herries, rt. hon. J. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon, C.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
Ingham, R.
Langdale, hon. C.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Mackenzie, W. F.
Marshall, W.
Mildmay, P. St. J.
Milnes, R. M.
Morpeth Viscount
Morris D.
Nicholl, J.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Oswald, J.
Paget, F.
Parker, J.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Rae, rt. hon. Sir W.
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scarlett, hon. J. Y.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A,
Somerset, Lord G,
Somerville, Sir W. M.
Speirs, A.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Warburton, H.
White, A.
Williams, W.
Wilshere, W.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Maule, hon. F.
Stanley, hon. E. J.

Paired off.

FOR.	AGAINST.
Bowes, J.	Knox, hon. T.

Amendment agreed to. Sheriffs to attend on Monday: Privilege case to be then considered.

Sir *E. Knatchbull* wished to know whether the presence of Mr. Burchell on Monday could not be dispensed with, as his attendance caused much public inconvenience?

Lord *J. Russell* said, he did not mean to require his attendance.

On the motion of the noble Lord, it was ordered that Thomas France and William Hemp do attend the House on Monday.

Examination taken at the bar of the House to be printed and delivered with the votes.

PENNY POSTAGE — STAMPED COVERS.] Sir *R. Peel* said, the right hon. Gentleman the Chancellor of the Exchequer, appeared to have anticipated his suggestion of a partial experiment of stamped covers, in providing them for the use of Members of Parliament. Now, he thought, there ought to be some understanding as to whether these stamps were for the exclusive use of Members alone. There was no other regulation at present, than that the letters written should be posted at the House of Commons. Now, what he wanted to know was, whether any Member was to be at liberty to purchase several hundreds or thousands of those covers, and distribute them, if he chose, among his friends.

The *Chancellor of the Exchequer* said, that in point of fact, the cover which the right hon. Gentleman had in his hand had no power of franking a letter by the post, but for the convenience of Members an arrangement had been made, not under warrant, but after communicating with the Post-office authorities, by which the librarian of the House was to take under his charge the sale of the stamped covers, and an account would be opened against him at the Post-office. Undoubtedly, it was open to any Member to purchase a number of the covers, and distribute them among his friends, but he did not apprehend that any bad consequence would ensue, as the sale would only be made to Members, and by parties acquainted with the Members. He had also proposed, that each Member should sign his name on the cover. That regulation had been omitted by some accidental error.

Sir *R Peel* said, the regulation as to the endorsement of the name appeared to him most important, as now there seemed to be no restriction in the use of the covers, but that of posting them at the House. He feared, that if they were not confined to the personal use of Members, forgery of the stamps might become common.

Sir *R. Inglis* wished to know what was to prevent any printer in London from striking off the covers by thousands, and sending them down to the House to be posted? Even the name on the back might be forged. Would the Chancellor of the Exchequer have any objection to a return of the amount of postage received during the first eighteen days of January, 1839-1840, as also during the first eighteen days of the fourpenny postage?

The *Chancellor of the Exchequer* was most anxious to meet the wishes of hon. Gentlemen in supplying information on this subject. He had directed returns to be made out with this view, and when these were laid on the Table, Members would see whether further information was necessary. With regard to the issue of stamped covers to the Members, he thought there was little fear of any usurpation of the privileges of Parliament in that respect. The covers would be issued by one party, who would have directions to deliver them only to parties known to him; and there was the further check, that if any covers were improperly printed, the issue being only from one place, and the number of covers issued being likewise known, any letters improperly sent in would be very soon detected. If hon. Members would be good enough to endorse the covers, he believed, that would be the best protection they could have.

Sir *R. Peel* advised the right hon. Gentleman, as he did not know what advantage might be taken of the arrangement, to issue a Treasury memorandum for the use of Members, explaining the conditions under which the privilege was to be exercised. As to there being only one place of issue, there was but one for issuing Bank of England notes. There was no law to prevent a bookseller from printing the covers, and selling them at 20 for 1*s.*; so that unless it were distinctly understood, that only Members should use the covers, improper practices would be introduced.

The *Chancellor of the Exchequer* considered, that there would be a sufficient check upon fraud in having but one place of issue and one of reception.

Mr. *Herries* thought, that would be no check at all.

Sir *R. Peel* had intended, as soon as the House was up, to purchase 240. Now suppose twenty Members were to do the same, in order to have a stock on hand, there would be a large quantity out, and before the Members could use them all, there might be a forgery to the extent of 2,000 covers or more.

Mr. *Hume* suggested, that the Speaker should request each Member to write his name on the corner.

The *Speaker* said, it would perhaps be better that he should give directions to the librarian to sell the covers to none but

Members, and receive none but such as had the Member's name in the corner.

Sir *R. Peel* doubted whether that would be sufficient to prevent endless frauds, for another person's name might correspond with a Member's.

Subject dropped, and House adjourned.

HOUSE OF LORDS,

Monday, January 20, 1840.

MINUTES.] Bills. Read a first time:—Copyhold Enfranchisement.

ANSWER TO THE ADDRESS—NEGOTIATION WITH PORTUGAL.] The *Lord Chancellor* said—My Lords, I have the honour to acquaint your Lordships that this House has attended her Majesty with the address in answer to her Majesty's Speech from the Throne, to which her Majesty has been pleased to return the following most gracious answer:—

> "Upon an occasion so deeply interesting to my feelings as the present, I receive, with great satisfaction, this loyal and affectionate address.
>
> "I feel myself strongly supported and much gratified by your concurrence in my wishes with respect to the provision for the Prince with whom I am about to contract an alliance.
>
> "I thank you for the readiness with which you have expressed your determination to confirm such measures as may be deemed necessary to provide a suitable establishment; and I entirely rely on your zeal for the welfare of the country, and your affectionate attachment to my person."

The Earl of *Shaftesbury* moved, "that her Majesty's gracious message be entered on the journals and be printed."

Viscount *Strangford* said, that before the motion of the noble Earl was put, he was desirous of taking this occasion to express his most distinct belief that a certain passage in her Majesty's Speech from the Throne must, at no distant period, form the subject of an inquiry of the most searching description. The House had been called upon to express its joy at the termination of the civil war in the northern provinces of Spain. They replied in obedience to that call, and he for one rejoiced in that fact, but still more should he rejoice if it should be proved, as he trusted it would be proved, that to accomplish so desirable an end no recourse had been made to any policy or course of action of which a noble hearted and generous nation might be ashamed. He felt, however, that he should be guilty of great injustice and unthankfulness towards her Majesty's ministers if he did not take this opportunity of expressing the entire satisfaction and contentment with which his mind was filled by one passage in her Majesty's most gracious Speech from the Throne. He knew that his humble approbation could be of but little value—but, *valeat tantum*—such as it was, he did freely and frankly tender to them, for the manly course of conduct which they had pursued with reference, he would not say to our ancient allies, but to our old friends the Turks. He could not refrain from thus expressing his satisfaction, though he could not forget the censure which had been passed upon him in this respect by a noble Lord who was not then a Member of the Government, but who now held office, and who might, therefore, be considered one of the advisers which recommended the Speech which they had heard read from the Throne. That noble person, with even more than his usual power of wit and sarcasm, and perhaps with rather less than his usual good nature, administered that castigation because he (Viscount Strangford), in seconding an address to the Throne, named the Turks "our ancient allies." He could now only express his satisfaction that the preservation of the integrity of the empire of these anti-social barbarians was held up as an object of European policy. There was, however, one point in the Speech to which he must advert with considerable pain and regret—the total omission in her Majesty's Speech of a matter in which the people of this country took the deepest interest—he meant the question of the slave trade, more particularly in reference to Portugal. He must confess, knowing the interest which was so deeply felt on this subject, that for the satisfaction of the public mind some mention ought to have been made of this subject; and he must say that his disappointment and uneasiness at this omission were increased by certain circumstances which had lately been made public, and which seemed to place the zeal of her Majesty's ministers, at least on this point, in a somewhat strange and mysterious light. It appeared from documents which he held in his hand that the obstinate refusal of the Portuguese Government to make the slave trade piracy, for which they had since been made to pay so severely, was not only acquiesced in, but that the words in which that refusal was conveyed were pointed out to them by the very negotiator who was charged with giving effect to the wishes of the Parliament and people of England on the subject. He would wish to know whether the noble Lord was ready to say that it was the common object of the Portuguese ministry and of the British plenipotentiary to disappoint the just hopes of this country. On what grounds, he would ask, was the noble Lord justified in recommending such a plan as that in the note to which he was alluding? The note was from Lord Howard de Walden to the Portuguese Minister of Foreign Affairs, the Viscount Sa da Bandeira. Their Lordships were doubtlessly acquainted with it, but he would take the liberty of reading it again. It was published in Portuguese and English, but this was the English version:—

> "My dear Viscount—Here is a note upon which to hang your declaration as to piracy. You will briefly, first, state your objection to the demand as unwarrantable; secondly, propose a penal law inflicting secondary punishment on slave traders; thirdly, remark that no European power, except England, has declared the trade piracy; and fourthly, declare the readiness of Portugal to act in concert with the other powers, although unwilling to take the initiative. This strikes me as the best case you can make out, wording your conclusions strongly against the slave trade."

He thought that he had a right to conclude that he saw nothing in the conduct of the noble Lord beyond an act of simple obedience to the instructions he received. He acquitted the noble Lord of having in any degree committed himself by the note he read. That noble Lord had been brought up in the school of an illustrious statesman, and he ventured to say in a manner which would have prevented him from taking any steps without the sanction of his Government. Five months had since elapsed, and the noble writer of that note still continued to be her Majesty's minister at Lisbon; and this was an additional reason for inducing him to think that he had not passed his instructions. He was, therefore, bound to consider it the act of her Majesty's Government. [The Duke of *Wellington*—What is the date of the note?] It had no date. Nothing could be more unusual than to furnish words and ideas in this way for a State paper, and he must also observe that in this case it was thought necessary to exercise a sort of control over the language of the Portuguese ministry, for the purpose of preventing them from couching their refusal in an objectionable manner. The refusal of Portugal, he should say, the more objectionable the language in which it was couched, would have made the case better for us. He did not, therefore, think that the noble Lord at the head of the Foreign Office was justified in recommending such a note to be written. He trusted that some explanation would be given, in order that the people of England might learn how her Majesty's ministers had acted on a point on which they had set their hearts, and for which they had made greater and nobler sacrifices than were ever made by any nation on earth in pursuit of a just and generous object.

Viscount *Melbourne* regretted that he had not had the good fortune to hear the first part of the speech of the noble Lord. When he entered the House, the noble Lord was alluding to a speech which had been made some years since by a noble Friend of his, in which some severe allusions were made to the Turkish Government, with reference to certain proceedings by which this country was affected. The noble Lord appeared to disapprove of certain parts of our conduct towards Turkey, but, if he had looked fairly to the object which we had in view, and to the tenour of the policy which had been pursued, he would, perhaps, have seen that the influence of this country was not improperly exerted. He, however, for one, must say, that he had no regard to opinions founded on partial and superficial views. Her Majesty's Ministers felt anxious for the prosperity, well-being, and good government of all nations; but he would say, that when the interests of England were concerned, they were bound to consider what was most likely to be good and beneficial for those interests, without looking to the institutions or to the situation of that nation with whom or by whom this country was called on to negotiate. As to the institutions of particular nations, he repeated, that they had nothing whatever to do with reference to the duty which Ministers had to perform in respect to the interests of this country, and the conduct to be pursued by them in forwarding those interests. The noble Lord had next proceeded to remark on the omission in her Majesty's Speech of any allusion to the Slave-trade in the Speech from the Throne, and complained that Ministers had not expressed the determination of Government to follow up the measures for the total abolition of that trade. Why, after the measures adopted last Session—after the opinions which Ministers had expressed on this subject—after the sentiments which had been uttered in that House, it did appear to be somewhat unnecessary that Ministers should introduce any additional assurance on that point into her Majesty's Speech. The noble Lord next proceeded to advert to a correspondence published by the Portuguese Government, for the purpose of justifying their conduct with regard to the slave-trade, and of showing that our Minister, at that court, had encouraged them in the course which they had taken, and had pointed out to them grounds of justification for their proceedings in that transaction. The noble Duke had very properly asked the date of that paper. It was, he believed, without date, the day of the month was not specified, it merely bore the word "Saturday." The fact was, however, as he understood, that it was written on the 19th of May, 1838. It must, however, at once appear to be an unfair way to judge of this matter, and to come to a conclusion, by taking a single point of a long negotiation—a negotiation which had commenced long before, and which continued long after, that note was written—down, in fact, to a late period in the succeeding year. To take one part of that negotiation, and to found a conclusion upon it, was manifestly unjust. To come to a right judgment upon the subject, it was necessary to take the whole of the negotiations, both preceding and subsequent to the writing of that note. Now, the state of the negotiation at the time was this:—A sudden interruption had then taken place in the negotiation respecting the slave-trade. We were desirous of concluding a treaty for the suppression of that trade, by declaring it to be piracy. The Viscount de Sa da Bandeira, who was then at the head of the Portuguese Government, stated to our Minister that he had received bad news from the Portuguese colonies, and that it was in consequence utterly impossible that he could agree to that provision in the treaty which made the slave-trade piracy. Lord Howard de Walden, being then on the eve of returning home, and wishing to obtain the best terms he could with the Portuguese Government, suggested another treaty, in which the slave-trade was not treated as piracy, but which went as near to that point as possible—as near as he could go with any prospect of success. He determined to bring this treaty home to this country, and to submit it to the British Government, under the expectation that it would be ratified; at the same time that it was contrary to his instructions to take this step. He stated distinctly to the Portuguese Government, that if this treaty were not ratified by the British Government, it must be considered a null and void—as never having been in existence. Seeing that he could not get from the Portuguese Government a treaty containing the declaration of piracy, he stated that he was ready to take something less; and he suggested what appeared to him to be the best manner in which the Portuguese Government should declare its refusal. He said, "I tell you, the way you propose is not the best way, but that which I suggest is most likely to be agreeable to the British nation." Lord Howard de Walden could not get the terms which he at first demanded, and the consequence was, that no treaty at all was agreed to. The conduct of the Portuguese Government led to all those negotiations which had subsequently taken place, and, as it appeared that the Portuguese Government had shown a disposition not to keep faith, Ministers found themselves called on to propose that measure, and were justified in proposing it, which the British Parliament had last Session adopted. What Lord Howard de Walden had done was entirely on his own responsibility. He acted in consequence of circumstances which had occurred in the course of these negotiations and, unless all those circumstances were known, it would be impossible to form a correct and adequate judgment on the matter. This was the explanation which the Government had to offer; and they were convinced that Lord Howard de Walden, in acting as he had, had been actuated by the best spirit, the best intentions, and the sincerest desire to obtain the great object which they had all in view.

Lord *Brougham* felt considerable anxiety on this subject; not that he felt the slightest doubt (who, indeed, could doubt the sincerity of his noble Friend, or of the Government, as to the abolition of the slave-trade?) that strong efforts would be made to put a complete end to this revolting system; but he was anxious to know whether the Government had acted with all the firmness, the zeal, and the discretion which were so desirable in order to obtain from the Crown of Portugal the declaration which was absolutely necessary for hastening this great object. Now, he could not decide upon such a question in the absence of proper information. It was not enough that he should be possessed of that letter which appeared to form a part of this long negotiation. He must see not only that, but he must also know what occurred in the different stages of the negotiation. It was impossible for him to understand the subject, unless he could take it all together. A great deal of information would be necessary in order to satisfy the people of this country that every fair and proper exertion had been made to effect that object which they so anxiously desired. As he was at present situated with respect to information, if he could not condemn, he could not acquit; and he so much felt the necessity for clearing up the matter and doing away with the impression likely to be created by this letter, that he should if he found it necessary—which he hoped he should not—move for all the papers.

The Duke of *Wellington* said, the noble Viscount had stated to their Lordships that the letter to which allusion had been made was written in the course of a correspondence connected with a pending negotiation at an earlier period than that at which the negotiation was brought to a conclusion at the end of last year. He did not mean to deny that a friendly mode of negotiation such as had been described did at times exist, and was allowed between parties who acted on different sides, but who had, as was stated by his noble Friend, (Viscount Strangford), a common object in view. What he lamented was, that the negotiation was not continued in that tone, but was brought to the unfortunate conclusion to which it had come in the course of the last Session of Parliament. In Parliament a different tone had been assumed, and the treaty that was pending was determined by a measure which he considered quite fatal to the object which his Majesty's Government had in view. That certainly was his opinion. Under these circumstances he admitted that it was only fair that the whole subject should come under the consideration of the House. It had caused much excitement throughout the country, and the best course would be to have all the papers laid before their Lordships, in order that they might see how the matter really did stand at this moment, both for the honour of this country, and to place the question on its true and proper footing.

The Marquess of *Londonderry* condemned the course which the Government had pursued for the last six years towards Spain: and was of opinion, that the conduct of the court of Madrid would force the northern provinces of Spain again into insurrection. What was called the pacification of those provinces was effected by treachery and bribery, and he hoped that this Government were not participators in an act which was so scandalously atrocious as to cast shame and disgrace upon all who were concerned in it. There were various other points in the Spanish question which it would be his duty on an early day to bring under their Lordships' consideration; for though these transactions had led to a present state of inaction, yet he would venture to prophesy they would break forth with increased violence. Of this strong evidence had been afforded the other day, when the Madrid government had taken possession of a strong fortress in order to keep the Basque provinces in awe, and in this and other circumstances he saw the seeds of new discord. On the whole, he was convinced that if the Spanish question was to be settled at all, it must be settled as an European question.

Viscount *Melbourne* observed, that the noble Marquess seemed hurt at the termination of the civil war in Spain, and had bestowed violent epithets upon the General by whom that termination had been effected. That the noble Marquess should be so, was natural enough, inasmuch as he wss a decided Carlist. But the noble Marquess would leave to her Majesty's Government the right to say that they did not acquiesce in that attack upon a subject of Spain, whom they conceived to have returned to his allegiance. With respect to the Portuguese question—of course, if the House was desirous to enter upon a discussion of it, he could not oppose that course; but he could not suppose that such a discussion would have a beneficial effect, or attain a satisfactory and amicable settlement. At the same time, if the House determined to enter upon it, of course all the means would be afforded for that purpose; and, therefore, he should, after consultation with his noble Friend who presided over the Foreign Affairs of this country, lay on the table any further papers that might be necessary.

The Marquess of *Londonderry* said, he desired to know by what right the noble Viscount called him a decided Carlist? He had never imputed to her Majesty's Government that they were Christinos.

Viscount *Melbourne* begged the noble Marquess's pardon; but he thought he had frequently heard the noble Marquess in that House state his opinion that the claim of Don Carlos to the throne of Spain was a good and valid claim; and he considered a person holding that opinion to be a Carlist.

Lord *Ellenborough* said, before the question was put he begged to call the attention of the noble Viscount opposite to the fact. The noble Marquess had stated that the note in question was dated on the 19th of May, 1838, and it did not appear in its proper place in the printed papers; but he found that, on the 22d of May, 1838, three days afterwards, Lord Howard de Walden, speaking of an interview with Viscount Sa da Bandeira, in a letter to Viscount Palmerston, said, "The Viscount on finding that I was not to be detained any longer, promised me that he would make such a declaration in a note addressed to me as would satisfy her Majesty's Government." He wished to know whether or not such a note was written.

Viscount *Melbourne* apprehended that such a note as that promised had not been written, which was one of the reasons why Lord Howard de Walden came away without the proposed treaty.

Motion for entering her Majesty's answer on the journals agreed to.

SOCIALISTS.]—The Bishop of *Exeter* begged to put a question to the noble Marquess at the head of the Home Department, respecting a state of things which prevailed in many parts of England, and which had excited the greatest alarm. He alluded to the system of the socialists—a system which he hardly knew how to define without going into details, but which, under that name, was known no doubt to the noble Marquess and to their Lordships generally. He begged to ask whether the Government had taken any steps to repress the progress of that system in the country?

The Marquess of *Normanby* said the Government had taken no steps to repress the Socialists; and he could only further say, that if those persons committed any illegal acts, or subjected themselves to prosecution, there would be no disposition on the part of the Government to shrink from the performance of any duty which the interests of society required.

The Bishop of *Exeter* understood the noble Marquess to say, that he considered the laws not yet to have been violated for the purpose of encouraging that system, and the Crown had not, therefore, taken any steps to put it down. He gave notice, that, on Friday next, he should present some petitions, imploring their Lordships to take steps to put down a system which the people thought to be fraught with evils both in a moral and religious point of view.

HOUSE OF COMMONS,

Monday January 20, 1840.

MINUTES.] Petitions presented. By Mr. Baines, and Mr. Labouchere, from Writtle, Billericay, and Stock, for Relief to John Thorogood; and for the Abolition of Church Rates.—By Captain Boldero, from John Joseph Stockdale, to be heard at the Bar of the House.—By Mr. Pakington, from Worcester, for Amending the Medical department of the New Poor-law.

ANSWER TO THE ADDRESS.]—The Speaker acquainted the House that the House had attended her Majesty with the Address voted on Thursday last, and her Majesty had been pleased to reply in the following gracious terms:—

"I received with very great satisfaction your loyal and affectionate Address, upon an occasion so deeply affecting the happiness of my future life.

"I thank you for your support and concurrence in my resolution, and I am much gratified by the opinion which you have expressed of the prince, and which I am confident he will justify.

"I thank you for your assurance that you will concur in the measures which may be necessary to provide for such an establishment as may be suitable to the rank of the Prince and the dignity of the Crown.

"I shall anxiously endeavour to make my reign conducive to the happiness of all classes of my people."

Sir *Edward Knatchbull* hoped he

should not be considered out of order in requesting for very few moments the attention of the House, and more especially of the noble Lord (Lord J. Russell) opposite, and the other Members of the Government, whilst he made two or three observations in reference to the presentation of the Address of her Majesty. He was one of those who had that day, perhaps accidentally, certainly very unintentionally, been prevented from doing that, which, in the peculiar circumstances in which the House and the Crown were then placed, it was highly desirable they should do—he had been prevented from attending the House with the Address to her Majesty in reply to her Majesty's most gracious speech from the throne. He did not know that the House was to wait upon her Majesty for that purpose that day; and it was the view of calling the attention of the House to this circumstance, which at all times must be considered important, and was certainly especially so upon the present occasion, that he ventured to intrude for a few moments on the indulgence of the House. The speech was delivered in the usual manner from the throne, and the House did that which he trusted it always would do—agreed to a proper and respectful Address in reply. On bringing up the report of the Address, the House came to this resolution—"Address to be presented by the whole House. Privy Councillors humbly to know her Majesty's pleasure when she will be attended." He took it for granted according to the usual practice of the House, that a return should be made to the Address, in order that the House might know at what time her Majesty might be pleased to receive it. He did not find from the orders of the House, that any return of that kind had been made. It must therefore follow, that any information that Members might obtain, as to the period at which the Address was to be presented, could not be gained from the votes, the source from which alone they could be duly and properly informed. He understood that the House had that day been up with the Address; and he complained that he had been placed in a position of total ignorance as to the period at which it would be her Majesty's pleasure to receive it. No intimation had been made to the House as to the day, or the hour, at which, in compliance with her Majesty's command, the Address should be presented. How this had happened, he could not undertake to say; but he apprehended that the noble Lord would feel it incumbent upon him to offer some explanation to the House upon the subject. He might perhaps be told that what had happened now was in the usual course of proceeding, and that no such complaint as that which he now made had ever before been offered. He was not prepared to deny that a similar course of proceeding had been pursued on previous occasions; but he came forward to complain of it in the present instance for this reason — that it had been circulated throughout the town—that the Address was taken up to her Majesty that day by the Government and those Members of the House who sat on the ministerial side, and that none of those who sat on the opposition had attended. It was for the purpose of contradicting the inference that might be drawn from such a statement that he (Sir E. Knatchbull) felt it incumbent upon him to rise in his place in that House, and declare, that he and those who occupied the opposition benches, yielded to no men in a firm and sincere attachment to the throne. Had it not been for the imputation so unjustly cast upon a very large portion of the House, he should, perhaps, have silently acquiesced in the course pursued in the presentation of the Address; but after the insinuations which had been thrown out, he felt bound to take the first opportunity of vindicating, on his own part, and on the part of his friends, their allegiance and affection to the Crown. That was his first object in rising; a second object was, to express a hope, that upon any future occasion no deviation would be made from the strict rules and orders of the House.

Lord *John Russell* could only say, that he had acted on this occasion upon what he had understood to be the rule of the House as regarded the presentation of Addresses to the Crown. It was not for him to vindicate the propriety of that rule; and if it were thought better that there should be any change in it he was sure that if he were to represent the wish of the House to her Majesty, her Majesty would most willingly acquiesce in any alteration that might be desired. But he had always been told by those most conversant with the rules of the House, that the rule upon which the House ordinarily acted upon these occasions was this, that the House should meet, and having met, and the Speaker being prepared, it should then be announced to the House that her Majesty was ready to receive the Address, and that within half an hour from the announcement being made, the House should proceed to present the Address. That certainly had been the custom as long as it had been his business to take any part in the matter—it had been the custom not only during the present reign, but during the late reign; and that being the case, he had felt justified in following up the same rule upon the present occasion. He owned, however, that he felt on Friday night that there was some inconvenience in the observance of such a rule. At the same time he did not like to deviate from what he was told had always been the rule of the House. But to prevent, as far as possible, any inconvenience that might arise from the observance of the rule, he stated at the end of the proceedings, either on Friday night or Saturday afternoon, that was her Majesty's pleasure that the Address should be presented at two o'clock on Monday. He could not make a statement of that kind formally to the House, because it would be contrary to what he understood to be the ordinary custom of the House; and, on that account, perhaps, it had failed to reach the ears of many who would be interested in hearing it. It had certainly been his fortune to appear three or four times at the Bar himself, and to state that her Majesty was ready to receive the Address; but it had always been upon the same day, and not more than half an hour before the Address was taken up. He did not think that the right hon. Baronet would be disposed to blame him for following that which for many years past had been the constant rule of the House. Whether that rule were convenient or not, he would not then stay to discuss; but he was rather pleased to hear the right hon. Baronet state that if it had been fully understood on the other side of the House that the Address would be presented that day, there would be such an attendance of the Members of the Opposition, as would have been only respectful to her Majesty upon that interesting occasion. He certainly thought it very difficult to make a matter of this kind properly understood whilst the form remained as he had stated it; and perhaps it would be better, when her Majesty's pleasure upon the subject of receiving addresses was declared to Ministers that it should be immediately communicated to the House, so that every Member might have full notice of the day and hour at which an address should be presented. He recollected but one instance in which this practice had been departed from, in the reign of his late Majesty, when the Sovereign was at Brighton. If any alteration of the rule was thought requisite, he was sure that her Majesty would most cheerfully accede to it, and he would take care that her Majesty should know that it was only an inadvertent error which had created the apparent negligence of Gentlemen opposite on this occasion.

Sir *Edward Knatchbull* was not aware, that the noble Lord had made any intimation to the House, either on Friday or Saturday, that the Address would be presented on Monday. He was satisfied, generally, with the noble Lord's explanation; but he begged to repeat again what he had stated before, that had it not been for the imputations which were so unjustly passed upon that side of the House, he should not have thought it worth while to mention the subject at all. The noble Lord now told them that he had intimated on a former evening what the course of proceeding, as regarded the presentation of the Address would be. If that intimation were made to the House generally, of course he could have no ground to complain of it; but if it should happen that it had been given, not to the House at large, but only to certain Members of it—if it should turn out that it had been made by means of circulars issued from a Government office—then he thought that the Members left in ignorance of the circumstance would have some right to complain. All that he asked from the noble Lord, or from any other Government that might be formed was this; that when it was proposed by the House of Commons to take up a dutiful address to the Crown such intimation should be given as would enable every Member to be present.

Mr. *Wakley* could state, that he, for one, was certainly not aware that the address was to be taken up that day. It was stated in the votes that the chair would be taken at one o'clock; but he must declare that he had received no intimation, either written or oral, from any quarter, that the Address would be taken up to the Queen that day. He believed that the noble Lord had stated that which was strictly correct when he said that the course pursued on the present occasion was in strict accordance with that which had been followed upon all previous occasions of a similar kind. But he must confess that, when he saw in the chambers of the palace more than 100 Members of that House, and had it not in his power, with all the observation and scrutiny he could employ, to discover a single Member belonging to the Opposition side of the House, he owned it struck him as being a most extraordinary circumstance. He should have thought that hon. Members on that side of the House—considering what had transpired of late at public meetings and in a portion of the press—would have felt a most earnest desire to rescue themselves from the imputation of sympathizing with persons who had attacked the possessor of the Crown of this country in a manner that was wholly unprecedented in the annals of the kingdom—a manner, in his opinion, so disgraceful, as to reflect upon the character of the country, and to leave a stain upon a portion of the press, which, in his opinion would not be easily effaced. The party to which he belonged had for a long period, been accused of disloyalty. He called upon the hon. Gentlemen opposite, if they had aught to state upon the subject, to declare what had been said by any Radical Reformer against the possessor of the Crown of these realms. He maintained, that if there were disloyalty it belonged not to them. [*Order*].

The *Speaker:* There is no question before the House.

Mr. *Bradshaw* trusted he miggbt be allowed to say a few words. ["*Chair*," "*order*."] He would move, then, that the House do now adjourn. He believed he should now be perfectly in order in addressing a very few words to the House, and as he was not often in the habit of troubling them, he hoped he should receive their indulgence for one moment. He wished merely to state, in reference to what had fallen from the hon. Member for Finsbury, (Mr. Wakley) that he was one of, he believed, only four individuals, belonging to the opposition side of the House who had gone up with the address to her Majesty that day. But he took no credit to himself for that, and he begged it to be understood that he did not do it to rescue himself from any imputation. But having seen in the votes that morning that the House was to meet at one o'clock—not being at all aware that it was for the purpose of going up with the address—he had made it a point of attending; and on his way to the House, shortly after one o'clock, meeting the Speaker in his state coach, and guessing that he was going up with the address, he immediately turned round, and had the honour of being one amongst those who were received at the palace.

Mr. *Blackstone* felt himself in precisely the same situation as his hon. Friend who had just addressed the House. He had seen that the Speaker was to take the chair at one o'clock, and had come down to the House in consequence of seeing that announcement, and on his way down he had met the Speaker going in procession to the palace. He had followed, and had had the satisfaction of having been admitted into the palace of her Majesty. One thing more he wished to say. When those who sat on the opposition side of the House were accused of disloyalty, he must confess that he for one was ashamed to see Members of that House going into her Majesty's presence—at a time when her royal aunt was lying dead—with cut-off green coats and brass buttons. He might add, that he was still more astonished to see in that costume the brother of a cabinet Minister.

Motion to adjourn withdrawn.

BEER HOUSES.] Mr. *Pakington* wished to ask the Chancellor of the Exchequer whether he contemplated any measure with regard to the present system of beer-shops?

The *Chancellor of the Exchequer* replied, that if at that moment he saw any possibility of introducing a bill upon the subject that would be likely to pass into a law, he should be happy to take the matter entirely into his own hands. At present he saw no prospect of that kind, and, therefore, could not take upon himself the duty of bringing forward a measure; but when he made this statement he begged it to be understood that he reserved to himself the full power of introducing, at a subsequent period of the session, any measure that a more complete acquaintance with the subject might lead him to think necessary.

Mr. *Pakington* then on the 4th of February would move for leave to bring in a bill to improve the present system of licensing houses for the sale of beer.

Lord *Granville Somerset* believed that

the Government had received some strong representations upon the subject of beer-shops as connected with the late outbreak in Wales. He believed also that the noble Lord (Lord J. Russell) opposite had expressed a decided opinion that the pre-system required amendment.

Lord *J. Russell* had certainly expressed an opinion last year that the law relating to beer-shops might be improved; but he had at the same time stated that one of the things which he believed to be most essential to the preservation of order in the country was the having a good constabulary force.

NEGOTIATIONS WITH PORTUGAL.] Mr. Sergeant *Jackson*, in pursuance of the notice he had given, begged to ask the noble Lord, the Secretary for Foreign Affairs, the precise date of the confidential note addressed by Lord Howard de Walden, our Minister at the Portuguese court, to Viscount Sa da Bandeira.

Viscount *Palmerston* replied, that no day of the month was affixed to the note to which the hon. and learned Gentleman referred; but, comparing its contents with other documents which were fully dated, he believed it must have been written on the 19th of May. As some remarks had been made upon this subject which he thought very unfounded, he hoped the House would allow him to state very shortly the precise circumstances under which this note had been written. The whole of it would be found in the despatch, the inclosure of which was quoted on Thursday night by the right hon. Baronet, the Member for Tamworth. If anybody would read the despatch which was to be found among the papers recently laid before Parliament from Lord Howard de Walden to Viscount Sa da Bandeira, dated the 20th May, 1838, he would see the whole history of that which was a very simple transaction, although it had apparently been very much mystified. In the negotiation between Lord Howard de Walden and Viscount Sa da Bandeira, there was one point on which Lord Howard insisted, and there was another on which Viscount Sa da Bandeira insisted, Lord Howard insisted that the Portuguese Government should agree to assimilate their law on the subject of the slave-trade to the law of this country, and should declare slave-trade to be piracy, and Viscount Sa da Bandeira insisted that England should give a guarantee to Portugal of her African dominions. In this despatch, which was dated the 20th of May, 1838 (No 110 in the printed papers), Lord Howard gave an account of two interviews which he had with Viscount Sa da Bandeira on the 18th and 19th of May. He stated in that narrative that he urged Viscount Sa da Bandeira to agree to a declaration that the slave-trade was piracy, and he also stated the insurmountable objections which Viscount Sa da Bandeira entertained to accede to that demand, alleging that no government in Portugal could agree to it with a knowledge of the feeling existing throughout Portugal respecting the slave-trade, and that it was, therefore, wholly out of the question. Lord Howard then stated to Viscount Sa da Bandeira:—

> "If you cannot do what we wish, do as nearly as you can. I will write to you an official note, demanding, that you should declare the slave-trade piracy. This I cannot expect you to do, because you have told me it cannot be done; but do you, in answer to my note, state your intention to declare the slave-trade piracy, when the other powers of Europe shall agree to do so. That may, perhaps, be satisfactory to my government; and if you do as I have suggested, I will agree to sign the treaty, without its containing a declaration that the slave-trade is piracy, *sub spe rati*, as the basis of future negotiations, which I will take home to my Government. If the British Government should approve of it, well and good; if not, then the thing drops."

So far from its being the fact that any suggestions were made, either on the part of Lord Howard de Walden or on the part of the British Government to the Government of Portugal, as stated by the right hon. Baronet (Sir R. Peel), the other night, to make out a case for abstaining from a direct proposal for the abolition of the slave-trade, that in the very same despatch which the right hon. Baronot read, there was this paragraph:—

> "In order to record the objections brought by the Viscount Sa da Bandeira, on the part of the Portuguese Government to the required declaration as to piracy, I addressed a note to his Excellency, of which I enclose a copy, submitting drafts of two articles embodying that principle, either of which I proposed to adopt. In reply to this note, the Viscount has promised [but he did not keep that promise] to make such a declaration on the subject of piracy as his Excellency trusts confidently will remove the only difficulty on the part of her Majesty's Government to accepting the treaty, as it will stand on my departure from Lisbon."

Well, the declaration which Viscount Sa

promised to make, was one suggested privately to him by Lord Howard de Walden in the note referred to. Therefore, the House would see, that Viscount Sa, having said, on the 18th of May, that he could not make the declaration required on the morning of Saturday, the 19th (the day on which the note was written), another long conference took place between him and Lord Howard, when he again stated that the difficulties under which he laboured, as to the piracy article, were insurmountable. On that occasion Viscount Sa stated that:—

> "No minister at this moment could venture to contract an engagement to pass such a law, with a knowledge of the feeling which existed throughout the country respecting slave-trade; there being on one side active opposition to the suppression of the slave-trade, while total indifference was the characteristic of the feelings of the greater part of those to whom the Government must look for support as against the machinations of the advocates of the slave-trade."

The House would, therefore, perceive, that Lord Howard de Walden having pressed strongly upon the Minister of Portugal to declare the slave-trade piracy, that Minister stated that his objections to advise any such declaration were insurmountable; that Lord Howard then said:—

> "I am not authorised to sign a treaty without that declaration, but if you will make a declaration nearly tantamount to if, I will take upon me to sign the treaty without the declaration, and carry it home to my Government *sub e rati.*"

In a letter addressed by Lord Howard de Walden to himself (Lord Palmerston), his Lordship observed:

> "Allusions having been made more than once officially by the Viscount Sa da Bandeira to my departure from Lisbon in May last, as the cause of the non-signature of the treaty for the abolition of the slave-trade then under negotiation, I have the honour herewith to enclose a copy of a memorandum which, a short time before I broke off the negotiation of the said treaty, I drew up hastily at the moment, as explanatory of the grounds on which alone I could consent to affix my signature to it at all, (containing, as I felt it did, several provisions which could not be satisfactory to her Majesty's Government), even supposing the two main difficulties under discussion, created by the Portuguese government, respecting piracy, and the proposed guarantee, to have been overcome. I did not forward this paper at the time, as no discussion on the subject of it took place. I had merely read it over to the Viscount de Sa on delivering it to him, and he had received it to take it into consideraation only as an act proposed by me, as preliminary to the signature of the treaty whenever it might take place, subject to amendment and correction on being discussed by us."

The memorandum was in these terms:—

> "At a conference held this day between the Viscount Sa da Bandeira and Lord Howard de Walden, Lord Howard declared, that he did not feel authorized, under his instructions, to affix his signature to any treaty for the abolition of the slave-trade, which did not contain a provision for making that traffic piracy. The Viscount Sa da Bandeira, on the part of the Portuguese Government, stated that force of circumstances alone prevented his acquiescing in such a stipulation in the proposed treaty; but declared, in the name of the Queen of Portugal, her most faithful Majesty's willingness to become party, by either a joint or simultaneous act, to any general measure adopted by other European powers for the above object. The Viscount de Sa da Bandeira and Lord Howard having both also weighed the various inconveniences which might arise from a delay at this moment in the actual signature of the treaty, containing important stipulations so entirely in conformity with so many of the other principles and details of the project as presented to the Portuguese Government, have agreed to affix their signatures to the treaty *sub spe rati*, under the mutual pledge, that in the event of the treaty not being accepted as it stands, by her Majesty's Government, the act of its signature shall remain secret, and the document shall be cancelled, and be considered to all intents and purposes null and void in all its parts, as if the said signature had never taken place."

This memorandum had no date, because it was never signed. It was given by Lord Howard de Walden to Viscount de Sa, in the course of the negotiation which took place between them towards the end of May. It was to have been signed if the two parties had agreed upon the treaty, but the two parties did not agree upon the treaty. Before Lord Howard went away fresh difficulties were started, and the parties did not come to terms. The memorandum, therefore, was never signed; but it stated the conditions upon which Lord Howard was willing to sign the treaty. He explained to Viscount de Sa, that his instructions did not allow him to sign any treaty without a stipulation that the Portuguese government would at a future time declare the slave-trade to be piracy, whenever the other powers of Europe were willing to do so; but that if such a stipulation were acceded to, then he would sign the treaty *sub spe rati*. So far, therefore, from there being anything like double dealing or underhanded proceeding in this matter, not only was it shown by these very papers which he had already laid before Parliament, but by those papers which he had received subsequently, and which would be laid before the House when the next batch of papers relating to the slave-trade should be presented, that the whole transaction was most fair; but that nothing could be more strictly in accordance with the spirit of his instructions, than the course which was pursued by Lord Howard de Walden on this occasion, (although he took upon himself the responsibility of going beyond the letter of those instructions, under the liability of what he did being disapproved by the Government at home), and that nothing in the world less merited those objections which the hon. and learned Gentleman without a full knowledge of the circumstances, had thought proper elsewhere to throw out against the conduct of one of the most meritorious and zealous servants of the Crown.

Mr. Sergeant *Jackson* trusted the House would permit him to offer a few words in explanation, after the allusion the noble Lord had thought proper to make to him. It was perfectly true he did, at a meeting of his constituents, make some observations upon this question; and the noble Lord had only done him justice in supposing that he would not have made such strong objections to the conduct of Lord Howard de Walden if he had been in possession of the whole facts connected with the transaction, and which certainly did not appear to subject that noble Lord to the charge of double dealing. Although the lengthened explanation of the noble Lord was not satisfactory to his mind, and he must say that there did, upon the face of the whole transaction, appear to have been a mass of political diplomacy calculated to affix a stain upon Great Britain, in its relations with foreign states, by which it had never hitherto been disgraced. It appeared that a British minister had required from another government, as a *sine qua non* that a certain thing should be done.

Sir *S. Lushington* rose to order. He thought that this discussion, according to the rules of the House, was clearly irregular. He conceived that the hon. and learned Gentleman might put his question to the Ministers in what terms he pleased, but he must be content with the answer which was given to him. If he thought that that answer was not satisfactory, he had ample opportunity, by giving notice of a motion, to bring forward the whole, in order to a complete and satisfactory investigation. But he would put it to the House whether—

The *Speaker* said there was no question but that the whole of these proceedings had been irregular. The hon. and learned Gentleman (Mr. Jackson) asked a question of the noble Lord which admitted of a concise answer; and when the noble Lord rose in the first instance, he thought the answer would have been concise; but the noble Lord craved the indulgence of the House to give a more lengthened answer. He understood the House to have given that indulgence. If he had not thought so he certainly should have felt it his duty to interrupt the noble Lord. When the hon. and learned Gentleman (Mr. Jackson) afterwards rose, he (the Speaker) supposed it was merely for the purpose of stating something in explanation of what had passed, and if he had found the hon. and learned Gentleman exceeding that object, he (the Speaker) should have felt it his duty to interrupt him.

Sir *Robert Peel* could not help observing that his hon. and learned Friend (Mr. Jackson) had, in pursuance of a notice he had given, asked a question in ten plain words, namely, what was the date of the despatch, and he should have been perfectly contented if the noble Lord had in so many words have answered, "the 19th of May;" but the noble Lord had entered into a lengthened explanation, which he confessed was to him wholly unsatisfactory. He considered the question to be much prejudiced by that explanation, and that the noble Lord had gained an undue advantage by not answering the questions in the same brief terms in which it was asked. He, however, not only thought the explanation of the noble Lord to be unsatisfactory, but was prepared to show that it was unsatisfactory. But, although the noble Lord had, contrary to the rules of the House, been allowed to enter into a lengthened statement, yet he was precluded from answering it.

Mr. Sergeant *Jackson*, said that as to the point of order, he should throw himself upon the consideration of the House. He had asked simply a question of the noble Lord, and the noble Lord had entered into a lengthened explanation, which he concluded by a personal observation. The noble Lord had referred to what had fallen from him (Mr. Sergeant Jackson) when addressing his constituents, and his wish had been to say one word by way of explanation, and in his own justification. He should not, however, persevere in that intention now; but upon a future occasion he should afford the noble Lord a more ample opportunity of explaining this matter. He would merely say that the explanation which the noble Lord had already given was quite unsatisfactory.

Sir *R. Peel* asked the noble Lord whether he had any objection to the production of the letter and memorandum which he had just read.

Viscount *Palmerston* replied, that the letter was not sent home by Lord Howard as a despatch; still he had no objection to the production of the papers.

Mr. Sergeant *Jackson* wished to know whether the noble Lord had any objection to state whether the letter of Lord Howard de Walden to Viscount de Sa was written in pursuance of heads of instructions to Lord Howard prepared in England, or whether it entirely originated with Lord Howard de Walden?

Viscount *Palmerston* replied, that the letter to Viscount de Sa was not in conformity with the instructions sent to Lord Howard de Walden. He himself stated that, and he took upon himself to agree to a modification of those instructions.

Here the conversation ended.

PRIVILEGE — STOCKDALE *v.* HANSARD.] The Order of the Day for taking the Petition of Messrs. Hansard into further consideration having been read, the following petition from John Joseph Stockdale was presented.

"The Petition of John Joseph Stockdale.

Humbly sheweth,

"That your Petitioner is a prisoner in the custody of your Serjeant at Arms, by your order, made, as your Petitioner believes, under an erroneous impression, induced by answers elicited from your Petitioner to questions calculated to criminate your Petitioner, without a subsequent opportunity (afforded to others) of remarks in vindication or explanation of said Petitioner's conduct.

"Your Petitioner, therefore, humble implores your honourable House to allow your Petitioner further examination and statement by which it must appear to the satisfaction of your honourable House, that your Petitioner never contemplated, nor has been guilty of, any breach of the Privileges of your House.

"And your Petitioner, as in duty bound, will ever pray, &c.

JOHN JOSEPH STOCKDALE."

Prison Cell, House of Commons,
18th January, 1840.

Petition to be printed.

Lord *John Russell* rose and said, it now became his duty to state to the House the precise course which he considered, in conjunction with his hon. and learned Friend, the Attorney-general, and with other members of this House, should be taken in the present stage of these proceedings. In doing this, it appeared to him necessary to recal the attention of the House for some moments to what their former proceedings had been, and to the precise position in which the question now stood. They had a resolution on the journals of the House to the effect,

> "That the power of publishing such of its reports, votes, and proceedings, as it should deem necessary or conducive to the public interests, was an essential incident to the constitutional functions of Parliament, more especialty of this House, as the representative portion of it."

The act which had been called in question was an act done by Messrs. Hansard strictly in accordance with that resolution. In the year 1835, a bill was proposed in the other house of Parliament by the Duke of Richmond, for the purpose of appointing inspectors of prisons. That act came down to this House, when it was proposed to exempt from its provisions the prison of Newgate. That proposition was not acceded to, and accordingly the prison of Newgate came under that act, there being no sufficient grounds for its exemption. Now, it would have been quite possible that the inspectors of prisons, on inspecting Newgate, should have made a report, that so excellent was the system adopted in that prison—so good was the plan of the construction of its cells—so free was every prisoner by their system of classification from contamination, and that such was the strictness with which all rules for preventing the introduction of spirits or improper food, or immoral books, or newspapers, were carried into effect, that the inspectors had no fault to find with regard to that prison. It would then have been competent, he imagined, in any future bill for the amendment of prison discipline, to have relied upon the argument thus afforded, and to have stated that the report of the inspectors furnished ample ground why the prison of Newgate should be exempted from the jurisdiction of the inspectors of prisons. He stated this in order to show how far the report of the inspectors of prisons was connected with the proceedings of Parliament. But it did so happen that the report of the inspectors with regard to the prison of Newgate was not so favourable as he had described. Nay, the report was unfavourable with regard to the construction of the cells, the association of the prisoners, and also with regard to the introduction of newspapers and books. A copy of the report of the inspectors was laid before a committee of the House, which was afterwards contained in the report of that committee. The House ordered the report to be printed. In consequence of the printing of that report, and of publishing it, an action was brought by Mr. Stockdale, of which it was not necessary to relate the history to that House. It was competent to the House to take any proceedings they pleased. They might have altogether abandoned their resolution; they might have permitted the case to go on in due course of law; or they might have determined to vindicate their powers upon the consideration that all necessary functions for legislation must be allowed to the House of Commons; and, conceiving the publication of its reports to be one of its necessary functions, they might have proceeded to vindicate their privileges. After the directions given by the House to the Attorney-general to appear to the first action, and after the direction given to Messrs. Hansard not to take any notice of the letter informing them of the intention of Stockdale to bring a third action against them, the question at length came before the House at the beginning of the present session, and the House determined to consider it as a question of privilege. They had not only done that, but they had proceeded to another step, and had determined to punish one of the parties concerned in bringing these actions, namely, the plaintiff himself. They had voted that his proceeding in those actions was a breach of the privileges of the House, and he had been committed to the custody of the sergean-at-arms, according to the manner in which the House was accustomed to visit such a breach of its privileges. The question now was, the House having determined that these were constitutional functions, necessary to this House; and having determined that this was a question which they would consider as a question of privilege, and not having determined to have recourse to any of the other modes of proceeding recommended by various members of the House—the question now was, whether they should proceed further with regard to other parties concerned in this transaction. He would now state what he conceived to be material to be considered, that the House of Commons was placed, in respect of cases of this description, in a situation of disadvantage, as compared with other courts, which had likewise to vindicate their own proceedings, to maintain their own privileges, and to exercise the functions which were allotted to them by the law and the constitution. With regard to the courts of law, for instance, it generally happened at a very early stage of the proceedings, where any court felt itself aggrieved or had their proceedings obstructed by other courts questioning their proceedings. They had heard from one of the parties examined at their bar, that very intelligent person, Mr. France, who held the office of undersheriff, that with regard to the Court of Chancery, he never had experienced any difficulty, because it was well known, that the Court of Chancery would not permit that a case which was before it, and where the parties were within its jurisdiction, should be brought into a court of law. The court would immediately issue an injunction, which it was sufficiently well known would prevent the case going further, and the plaintiff would be immediately stopped by that proceeding. With regard to the Court of Exchequer, there were numerous cases in which that court, conceiving certain subjects to belong to its peculiar jurisdiction, had interfered, and had prevented actions being brought, and had issued directions, that such actions should not be brought, and had protected their own officers when persons had attempted to bring against them actions for false imprisonment, or of any other description in the execution of their duty. With regard to the House of Lords, likewise, the general rule had been (there were, he admitted, one or two exceptions, but the general rule had been) to stop the plaintiff at once from proceeding. There was one case in which both the plaintiff and the attorney were at once committed to prison by the House of Lords, in consequence of their bringing an action of false imprisonment against a justice of the peace, who had obtained an order of the House of Lords. But with respect to this House having, he contended, the same right, exercising its functions—those functions being part of the high court of Parliament—declaring, as it must declare, that certain functions belonged to that House—yet it might happen, and did happen, that during the prorogation of Parliament an action might proceed, judgment might be given, and not only the original parties, not only the plaintiff and the attorney, but the sheriffs and other persons appointed to execute the law, might be implicated without the House having the power to decide what conduct it would pursue on the occasion. The question which the House had had to consider, and it was certainly a very serious question, though it was one upon which he could only come to one conclusion—was whether they should proceed with regard to the sheriffs to interfere and prevent them from paying over to the plaintiff in this case the money which they had received for the goods sold by them belonging to Messrs. Hansard, the officers of that House, or whether they should adopt any other form of proceeding. It appeared to him, in considering this case, they must throw out of view altogether the peculiar degree and amount of blame, or moral culpability with regard to the sheriffs. The question was, in what manner their privileges were to be preserved, if they did not proceed against the sheriffs? Who were the next great culprits? The judges. Now, he did not mean to impute either to the sheriffs or the judges, or indeed to any of those parties who acted in the courts of law, that they had wilfully, and with an intention to do what was wrong, engaged in contravening the privileges of the House of Commons. He did not mean to impute moral blame to them in having acted contrary to their duty. But what they had to consider was, in what manner their privileges were to be maintained; what they had to consider was, whether by any possibility they could allow the goods of a servant of their House to be seized because he had acted in execution of their order, and had printed their report, which was essential for their legislation; whether they could permit these goods to be taken from themselves through their servant and be handed over to the plaintiff in the action against whom they had passed a resolution, and had committed him to prison. If they desired to maintain their privileges they could but come to the opinion at which he had arrived, that they could not allow these things to be done. Much might be said on the question, if they were to entertain it, how far the sheriffs had been to blame, or what restitution, or what amendment they could make. It was, no doubt, a part of their duty to be aware of the privileges of the House, and to observe them. Not only so, but in this case they had received especial notice of those privileges, and, notwithstanding that notice, they had proceeded to seize the goods and to make a sale of those goods. When the House considered, however, that for many years the question had not been raised, when it had been thought, from the uninterrupted practice of Parliament ever since the Revolution, and from the recorded judgment of Lord Kenyon, that there was little doubt upon the subject, and when they now found the judgment of a court of law impeaching that practice, they could but admit, that the sheriffs had an embarrassing duty to perform. If the question to be determined was the apportionment of the punishment to the proportion of guilt, he should be at a loss to know what to determine; but he considered, that they had now no such question to decide. The question for the House to decide was, how they were to maintain their privileges. If those privileges were to be maintained, he thought, they had now but one course to pursue. They must not allow the transaction to advance any further, and must inform the sheriffs, not only with respect to what they had done, but with respect to the sum which they had levied from an officer of the House, that they must refund it to the servant of the House. For his own part, he could see no other way in which they could proceed with a due regard to their privileges. They might indeed say, that they did not wish to maintain their privilege of giving orders to their officer to print what they pleased, but would they not be degraded, if, after they had authorised their Speaker to sign an order, and after their Speaker had, in pursuance of such authority, signed an order on their printer to print and publish their proceedings, when that person should come before them and complain of molestation, they should say—"We are not willing to maintain our order; we are not able to give you redress, because the House of Commons is unable to vindicate its own proceedings." He thought, that if they, upon consideration, found that they had no such power, they had better rescind all their orders; they had better withdraw their order for publication; they ought to confine themselves to the strict limit that the judges of the Queen's Bench had laid down for them, and print their papers only for the use of the 658 Members composing that House, and not to permit Messrs. Hansard to incur any punishment, by acting in accordance with the orders of the House. It had been admitted in that House, that it was for the public advantage—it had been admitted, that it was for the advantage of the kingdom at large, that their proceedings should be known. For his own part, he could not conceive, that it would be right to refuse the public the information that was necessary to inform the public on what the proceedings of that House were founded. It might be necessary, with regard to this very question to refer to the public concerning the prison of Newgate. Many persons might be of opinion, as he was at one time strongly of opinion, that they ought to compel the city of London to build a new prison; and if it were so, would it not be difficult to carry their bill—when the city of London should ask for the reason of their proposal, and they should be unable by law to afford to the city the information on which they proceeded — so also with regard to every other great matter that might occur. Take Canada, for instance. How could they be justified in suspending the constitution of that colony, if they refused to the public at large all the information on which that suspension was founded? So with regard to many internal proceedings of this country. Information might be laid upon the Table of that House which might be the groundwork of proceedings of severity which the House might take in its legislative capacity. It would be impossible to deny giving to the public such information. From the year 1796 to the year 1800, when proceedings which were thought to be dangerous to the Crown were carried forward, committees of secrecy were appointed, and the reports of those committees were ordered to be printed. Very important proceedings were grounded upon the state of the country as shown by those publications. He would not now stop to inquire whether those proceedings were right or wrong; but it was the opinion of the Parliament of that day, that proceedings should be taken; and they followed that up by giving to the country the information on which those proceedings were founded. It was due to the country that it should have complete satisfaction that it was not on light grounds the Parliament had proceeded seriously to abridge the constitutional liberties of the people. With regard to one proceeding, a question had been raised, not with the printer of that House, but with a printer who had published, not unfairly or illegally, but voluntarily, the proceedings of a secret committee of the House; and he (Lord J. Russell) would read to the House what upon that occasion Lord Kenyon stated to be his opinion of the proceedings, and which could not be considered as a libel. One of the parties, who found that an imputation was cast upon his conduct as a loyal subject, applied for a criminal information against the publisher. Upon that occasion, Lord Kenyon said,

> "This is an application for leave to file a criminal information against the defendant for publishing a libel: so that the application supposes that this publication is a libel. This report was first made by a committee of the House of Commons; then approved by the House at large, and then communicated to the other House, and is now *sub judice;* and yet it is said that this is a libel on the prosecutor. It is impossible for us to admit that the proceedings of either House of Parliament is a libel."

He said afterwards,

> "This is a proceeding by one branch of the Legislature, and, therefore, we cannot inquire into it."

Mr. Justice Grose and Mr. Justice Lawrence concurred in that opinion for other reasons with which he need not trouble the House. Thus the publication of their proceedings by another printer, and not by the printer of the House, was justified, and up to the late proceeding of the Court of Queen's Bench was the acknowledged law of this country. There had been up to the recent decision, no reason to doubt that such was the declared law, as law it had been adhered to, and it had not been contradicted up to the late proceeding by any other decision. They had now, however, got a different judgment, and he did not deny that this different judgment placed the House in a situation of considerable difficulty. He did not wish to conceal from the House that their position with regard to a question of this nature was different from what it was in former days. In early days, the privileges, such as the privileges of freedom from the personal arrest of the Member, and the freedom of Speech in that House, were matters of contest with the Crown and the courts of law. In those days they proceeded, as he now proposed to proceed: when a sheriff told them, as a sheriff did tell them, that one of their Members were in prison, and that the sheriff would be fined 5,000*l.* if he let him out, the House ordered the sheriff to let him out. In that proceeding, he admitted that they had with them the popular feeling, founded on the universal feeling that the House of Commons, in attacking the courts of law, were proceeding against the nominees of the Crown; that they were proceeding against judges who were sitting on the judicial bench one day, and who, if they gave a single decision in favour of the liberty of the subject, or if they did not act with sufficient harshness against any one who had in any manner offended the Crown, would not be judges the next day, and who consequently had not the same weight as modern judges. It had been the aim of the House of Commons, from the period of the Revolution—the unceasing aim of the House of Commons—to make the judges of the courts of law independent of the influence of the Crown, as well as of the popular voice. But when they had invested them with this character, and had, at the same time, procured the security of independence, they had added greatly to their weight in any contest, if contest there must be, which the House might be obliged to carry on against them. It was the nature of all bodies of men, it might be of that House or of the judges, that, having secured their own independence, they endeavoured to trench upon the privileges of others, though they were those of their benefactors; and so the judges had endeavoured to infringe the privileges of the House of Commons. He felt all the difficulties of carrying on such a contest; no doubt inconveniences might arise from the course which he proposed; but considering the position in which they were placed—considering what were the evils of that position, and considering that the power of independence and of sanctity which they had given to the courts of law might be used against themselves, he felt that, if they declined this contest, they would not only be giving up this privilege, but they would be submitting to the decision of future judges, the amount and the extent of any privilege and of any power which the House of Commons might possess. As a House of Commons, being of itself one of the Members of the High Court of Parliament—being the grand inquest of the nation to which the constitution had given the power of impeaching or of prosecuting, where necessary, all offenders—being the body to grant supplies when they were needed for the well government of the country—and having to pass all those measures of legislation which the state of the country or the improvement of the law should from time to time require—feeling that the House of Commons had all these functions to perform, feeling that it had this high duty to discharge, he felt also that they would neglect, betray, and desert that duty, if they now receded; that the House of Commons would be precluded from the exercise of its functions, would cease to maintain its proper place in the Legislature, would cease to hold its place as a constituent part of this noble constitution, and that its power would be weakened and neutralised, and finally destroyed, if a court of justice could pronounce what privileges were necessary, or if any of its privileges were amenable to the decision of any court of justice. He would conclude by moving, that it appeared to the House that an execution in the cause of Stockdale *v.* Hansard had been levied, to the amount of 640*l.*, by the sale of the property of Messrs. Hansard, in contempt of the privileges of that House, and that such money then remained in the hands of the Sheriff of Middlesex; and if that resolution should be carried, he would move further, that the said sheriff be ordered to refund the said amount forthwith to Messrs Hansard.

Mr. *Fitz Roy Kelly* rose for the purpose of proposing certain resolutions by way of amendment to the motion of the noble Lord. He did not condemn the noble Lord for the delay which had taken place in discharging the sheriffs after their late examination, for it was impossible that a question of this nature could be conducted with too much deliberation and caution. He was sure the noble Lord would feel, that from whatever cause it might have arisen, the House was placed by the present proceedings in a situation of greatly complicated and unexampled difficulty. He, for one, should feel most happy if any course could be pointed out by which, without departing from the dignity of the House, the law and the constitution might still be upheld in their integrity. It was his intention to submit to the House two propositions—first,

"That it appearing to this House that an action has been brought against James Hansard and others, for the publication by them, under an order of this House of certain papers containing libellous matter upon John Joseph Stockdale, and that judgment has been obtained and execution issued by due course of law against the said James Hansard and others in such action, it is expedient that the said James Hansard and others be indemnified against all costs and damages by them sustained in respect of such action."

To this resolution he did not expect that any objection would be made but to the other which he intended to propose.

"That in case of any actions being hereafter brought for the publication of any papers under the order of this House, the Attorney General be instructed to defend such action, and to report thereupon to the House."

He was quite aware, that he might look for some opposition from those hon. Members who took a different view of this subject. He should be happy if he could confine his observations to urging these propositions on the House; but he felt it his duty, after the very open and candid statement by which the noble Lord had prefaced his resolutions, to declare, that more unwise, unjust, illegal, and unconstitutional resolutions; orders more impossible to be obeyed without the total and direct violation of all moral and legal obligations by those on whom they were to be laid, it would be impossible to bring forward—nay, he would say, never had been brought forward, in any legislative assembly, even in the very worst of times. Before he came to the assumption of privilege, on which these questions had arisen, he must be allowed to ask in what way the noble Lord proposed to enforce obedience to his resolutions? Here was a case involving the sheriffs, who were the sworn officers of the law, servants of her Majesty, bound to yield obedience to her Majesty's writs delivered to them by the courts of law. They were now called to the Bar in consequence of having received writs to levy certain monies in a cause regularly instituted, which had passed with all the forms of law through a court in Westminster-hall. They were commanded to yield obedience to those writs by the court; they violated their oaths if they failed to yield obedience; they rendered themselves liable immediately, without redress, appeal, or defence, to be committed to prison if they failed to yield that obedience. And now that House, not the entire Legislature, but one branch of it, having no power to make the law, or to absolve the subject from obedience to the law, proposed by its single, separate, unsupported resolution, to command the sheriffs to violate the law, to place themselves in a situation, not merely of peril, but where this fate certainly awaited them—that without redress or appeal their persons must be imprisoned, and that, too, where the House had no other ground to proceed upon than its own resolution. He thought he should be able to show that the law of Parliament, which was but a part of the law of the land, could not possess authority to set the municipal law aside. This was the general nature of the noble Lord's resolutions, but the House could not be asked to adopt them, unless the noble Lord, and those who acted with him, could convince the House that their former resolutions, founded on the report of the committee of 1837, could be maintained consistently not only with the orders of the House, but with the law and constitution of the country. He would therefore at once call the attention of the House to the first of the three resolutions of the year 1837, on which the course now recommended to the adoption of the House was entirely founded. That resolution was to the following effect:—

"That the power of publishing such of its votes, papers, and proceedings, as it shall deem necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially to the Commons House of Parliament as the representative portion of it."

And further,—

"That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon."

Now if that House, instead of claiming this power as a matter of privilege and right, had resolved that it was for the public benefit and interest that the proceedings of the House, and that such papers in the nature of proceedings as to the House should seem meet, should be laid before the public for their instruction and information, he for one would have cordially assented to that resolution. He admitted the advantage of the publication of the papers, not only for the use of the Members of the House, but the public; it would tend to create a respect for their proceedings, if the grounds of those proceedings, and the information on which they were founded, were fully and freely communicated to the public; and he said at once to those who took the same view of his resolutions as he did, that if he conceived that what he proposed should interfere with the publication of information by the House, he would really feel that he was inflicting a great evil and injury on the public. While, then, he admitted, that the great benefit ought to be given to the public by this mode of communicating information, still he differed from the framers of the resolutions he had read, as to its being a matter of privilege for the House to publish all its papers, upon all matters and upon any occasion whatever. He conceived that it did not require any privilege to give validity to the publication of their proceedings. The House of Lords possessed the right to publish their papers to the world. It would be putting a limit to the right by clothing it with the nature of a privilege, as if it were not possessed in common by all other bodies, and by every individual in the country. It was their right to publish any paper, provided they limited themselves by the rules of law. It could take place under any circumstances, if they did not insert any thing that might be the cause of a complaint at law for any injury on any one of her Majesty's subjects? As soon as this resolution passed, would it become competent for the House to give authority to any individual to publish any unlawful libel on any one of her Majesty's subjects? He denied the right of the House to enable any individual to publish that which, being defamatory of another of the Queen s subjects, might be the subject of a proceeding in a court of law. He would not enter into the question whether the circumstances of the publication in which these proceedings originated would or would not give a just right of publication. That was a distinct question. The question really was, whether the House had the power to declare and to make a law that the publication of what was unlawful before the resolution, should become lawful by that resolution. The question, then, to be determined was, whether one branch of the legislature, without the consent of either or both the other branches, had the power of making what before would subject the party to an indictment or action at law, no longer the ground of action or indictment; whether there was a power in either House to usurp the functions of the legislature, and to make laws of its own single authority. Amidst the many authorities which had been referred to in the course of these proceedings, there were very few that bore upon the question whether the House had the power to declare that what was otherwise unlawful became lawful by the single order of either House. He was not aware of any case, except the single case referred to by the learned Gentleman in the course of his argument—the publication of Dangerfield's narrative. There were many authorities bearing on the distinct question, whether the courts of law could entertain a question relating to the privileges of the House; but the power of the House to justify the publication of all its papers as lawful, had never been directly claimed till the resolutions of 1837, and had never been indirectly claimed, or even glanced at, except in the single case to which he had referred. It had been admitted by the Attorney-general in that House, and it had been admitted by him in the course of his argument in the Court of Queen's Bench, that the House could not make to itself, and could not create in its own favour, any new privilege. If, therefore, he should succeed in convincing the House that the assumed power of publishing its proceedings was a new power, one which, without restriction, had never been exercised till lately, and one which in express terms had never been claimed, then his hon. and learned Friend and those who thought with him would see that this was a new claim, and could not be recognised even by Parliament itself. The industry, and it had been great, of those who had referred to the precedents in this case, was not able to discover a single resolution of that or of the other House of Parliament—no resolution in direct terms or in indirect terms—that the Members of either House possessed the unlimited and unrestricted power of publishing its own proceedings. The power rested entirely on its exercise, from what was called parliamentary usage or custom. When he came to consider the precedents in this case, he owned that it struck him that a singular time had been selected for the first exercise of this supposed privilege. He found by the report of the committee of 1837 that the first occasion on which an order of the House was made for the publication of its proceedings was in the time of the Long Parliament, and in the year 1641—a very suspicious time for establishing a novel power in the House of Commons. He was now addressing those who knew that it was in the same year in which this privilege was established, and that it was the same Parliament that, forgetting its own assumed privileges, assumed also to control the privileges of the other House of Parliament, and passed a resolution that the bishops had no right to vote in the House of Lords—who knew that it was in the same year and the same Parliament that brought the Earl of Strafford to execution—that it was in the same year, and the same Parliament that declared its own sittings permanent, and proceeded to force the assent of the Crown to an Act destroying one branch of the prerogative; the power of dissolving Parliament; he could not but recollect that all this occurred in the same year and in the same Parliament that the order for publication was given. He did not deny that from that year the publishing of certain of the votes and proceedings of the House had continued down to the present time; but the question here was not whether the practice had prevailed, or had been considered lawful; but whether that circumstance established the right in that House to legalise under the name, and under the countenance of that practice, the publication of matters defamatory of any of her Majesty's subjects. The only argument which he had heard advanced in the course of this discussion at all bearing on this part of the question, was this: "Why, you find that for upwards of a century the proceedings and papers of this House have been regularly published, and during that time they have contained many defamatory matters severely reflecting on her Majesty's subjects; but yet we do not find, until this case, a single instance of an action being brought treating one of them as a defamatory libel." He did not deny that that argument deserved consideration; but when they reflected upon the difficulty which an individual would have in opposing the House of Commons, devoid, perhaps, of resources, and called upon to contend against that body, which had the control of the public purse, and possessed therefore of boundless power, he did not think that it was extraordinary that no person should have been found bold enough to undertake so fearful a contest. It might besides be remarked, however, that it was very possible that a great number of the libels previously published might have been true, and that on that account also persons might have failed in taking any proceedings upon them. But after all, if the acquiescence had been even larger than it was—taking it in its fullest extent, that the practice had existed for a century or near it, and that the papers had teemed with actionable libels—still the argument possessed very little weight. Supposing that a century ago, when first the debates in Parliament were published in newspapers, that House had been pleased to name certain newspapers to publish those debates, under its own authority, and supposing that these newspapers had continued in the exercise of the privilege thereby conferred down to the present time, and, further, that an action was now brought, for the first time, for some libel contained in these reports sent forth to the world, could there be any doubt that every proprietor or publisher of those newspapers would be liable to an action for every defamatory statement which should appear in their columns, although previously uttered in the course of the debates in that House, and reported as having fallen from the mouth of some Member of Parliament? There could be no hesitation in supposing that such would be the fact; and yet, although no such authority had been given by the House, no instance of an action being brought had occurred for such a libel, although speeches certainly containing defamatory matter had been published in almost every newspaper throughout the country. The argument, therefore, which was drawn from acquiescence, was very weak indeed. There was but one case in which the question directly arose whether the courts of law could take cognizance of proceedings on a libel published by the order of that House, and that was commonly called Sir William Williams's case, in which Sir William Williams, the Speaker of that House, was prosecuted for the publication of a letter called "Dangerfield's Narrative." The House of Commons, some years after that had been published, did question the right of the courts of law to administer justice in such an action. The circumstances of the case were, that there had been a paper published highly defamatory of the Duke of York, afterwards James 2nd., which was written by Mr. Dangerfield, and printed, published, and circulated, under the order of Sir William Williams, acting under the resolution of that House. An information, if not an indictment, was prosecuted against Sir William Williams, and he defended himself upon the ground that he had acted under the directions of the House; but that was over-ruled, and he was fined 10,000*l.* He entirely agreed that this decision was altogether unlawful, and that every act done by the Speaker of the House, under the orders of the House, was lawful, and that the Speaker could not be punished. No information or indictment against the Speaker of that House, for any act by him done under the orders of the House, could be maintained. [Sir *Robert Peel*: By what law?] Under the law of England, which respected, and had always respected, and he hoped ever would respect, the privileges of that House. [*Cheers.*] Those cheers rather anticipated an observation which he was about to make, but which he would now throw out. He held that the privileges of that House were part and parcel of the law of Parliament, and that the law of Parliament was part and parcel of the law of the land. It was a confusion of terms, and was erroneous to suppose that the law of Parliament was superior to the common law of England. The law of Parliament the law administered in the Courts of Equity, and in the Ecclesiastical and Admiralty Courts, as well as the common law and the statute law, were all comprised in the great body of law called the law of England, which the judges of the land were bound to administer. He made no distinction between them; and when he was asked why he believed that no proceeding at law could be taken against the Speaker, or rather why he said that there was a good defence to any such proceeding in the fact that the act complained of was done by the orders of that House, he answered that it was because no Member of that House was punishable by any law for any act done within the walls of Parliament. The Speaker of the House being a Member, and all other Members if they misdemeaned themselves, were liable to the House itself; but it was one thing to say that they were privileged and protected in what they did in the House, and what the Speaker might do by direction of the House; and another to say that any man, with the Speaker's authority, might commit any crime, from the consequences of which he should be relieved when challenged in a court of law. He was observing, when he was interrupted by the right hon. Gentleman that in Dangerfield's case, he admitted that the decision which was arrived at was the proper one; but let them see whether the courts of justice were to be deprived of their jurisdiction in cases where, not the Speaker, nor any Member of the House of Commons was challenged for what he had done, but where another person, not a Member of the House, pleaded the order of the House of Commons. Why, Dangerfield himself was prosecuted in respect of the publication of the very libel in the case to which he had been referring, and the decision was reported in the 3rd volume of Modern Reports, and he was not aware that the judgment against him was ever reversed or impeached in Parliament, or elsewhere. With regard to the privilege itself, it could only rest on the long existing practice, and on unvarying and unimpeached precedent, untouched by circumstances, which would admit the supposition of the continued acquiescence being derivable from fear or any cause, to which all good subjects would not yield; but he would say that there was nothing in the practice, or the recorded resolutions of that House, which would in any way sanction its continuance. He would now pass on to that which was by far the more important question, and which arose upon the second of these resolutions—a question which he said humbly but sincerely, it would become the

House deeply and seriously to consider before it proceeded to act upon the resolutions now proposed by the noble Lord; because he ventured to say that this second resolution and the third—for they both rested upon the same ground to which he was next to call the attention of the House —could not be maintained in this free country, unless they would at once annihilate the rights and powers of all the courts of justice. What was that resolution?—

"That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure and to the punishment consequent thereon."

Now, here were two distinct propositions; the first was, "that the House had the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges." What was meant by the word "exclusive?" Was it meant, that in no case and under no circumstances could a court of law enter upon the determination of the existence of one of the privileges of that House? Was that the meaning? He took it for granted that it was; because he knew what was the exposition of these resolutions given by his hon. and learned Friend the Attorney-general, in his very able and elaborate argument in the case of "Stockdale *v.* Hansard." Perhaps he ought not to quote arguments advanced by him when acting in his professional capacity as counsel in the case, nor would he, had he not understood his hon. and learned Friend to affirm those very arguments and abide by them in that House. The language of the Attorney-general was—

"The *lex Parliamenti* which is to be administered by the two Houses of Parliament is not known to the judges of the common law, and they have no means of judicially arriving at any knowledge upon the subject."

The inevitable result of the resolutions of the House, as expounded by the Attorney-general, must be, that no court of justice at any time or under any circumstances could presume to enter upon the question whether any given privilege which the House might claim did or did not exist. That doctrine seemed to him to be a dangerous one; nay, that was but a feeble expression—it was a doctrine directly subversive of the jurisdiction of all the courts of law throughout the realm. It was, therefore, an alarming doctrine, and it was absolutely necessary to place in opposition to it the highest and best authority that could be found. He could not meet it better than by referring the House to the language of Lord Chief Justice Denman, who in few but very emphatic words completely disposed of that doctrine.

"If the Attorney-general was right in contending," said Lord Denman, "as he did more than once in express terms, that the House of Commons, by claiming anything as its privileges, thereby makes it a matter of privilege; and also that its own decision upon its own claim is binding and conclusive; then plainly this court cannot proceed in any inquiry into the matter, and has nothing else to do but declare the claim well founded, because it had been made."

He (Mr. Kelly) would here take leave to say that he wished the example set by Lord Denman, one of the most able and distinguished judges that ever sat upon the bench, when speaking of that House, had been followed in the course of the discussions which had taken place upon this subject in that House. Let the House look at the manner in which Lord Denman spoke of it, sincerely without doubt:—

"This is the form in which I understand the Committee of a late House of Commons to have asserted the privileges of both Houses of Parliament, and we are informed that a large majority of that House adopted the assertion. It is not without the utmost respect and deference that I proceed to examine what has been promulgated by such high authority. Most willingly would I decline to enter upon an inquiry which may lead to my differing from that great and powerful assembly; but when one of my fellow-subjects presents himself before me in this court, demanding justice for an injury, it is not at my option to grant or withhold redress." "I am bound to afford it, if the law declares him entitled to it. I must, then, ascertain how the law stands, and whatever defence may be made for the wrong-doer I must examine its validity. The learned counsel for the defendant contends for his legal right to be protected against all consequences of acting under an order issued by the House of Commons, in conformity with what that House asserts to be its privilege; nor can I avoid then the question, whether the defendant possesses that legal right or not," Now he must say, that in all the discussion which this subject had undergone, it had never yet been his good fortune to hear even the semblance of an answer to that part of Lord Denman's charge. The House would remember that the judges were eminent and learned persons, appointed by the Sovereign, and selected from the highest ranks of the profession; they were sworn to administer the law according to the best of their judgment upon the cases coming before them in their respective courts. They were bound by oath to give a decision upon the questions before them. Well, then, suppose, as in Stockdale's second case, it was pleaded, and the court decided that the question on record was whether that House was possessed of the privilege of authorising the publication of defamatory libels on any of her Majesty's subjects—when that precise question was raised, what were the judges to do? Were they to abdicate their functions and depart the court? Were they to say, the name of the House of Commons or the House of Lords had been heard before them; that it had been uttered by the counsel in the case, and the moment it was so uttered they had nothing more to do with it; that they knew nothing of the House of Lords or of the House of Commons, or of their privileges, and must forbear to enter upon the case at all? Were the judges to act in that manner? He apprehended it was beyond all denial or doubt, that in whatever form the question might be raised, whether that House possessed a certain privilege, or the Queen a certain prerogative, the judges must entertain the question and decide upon it, for they were sworn to do so. But what was the resolution of the House? They said that the courts were to stop short; that they could not entertain the question, and could possess no means of judicial knowledge upon the subject. The answer to that was, that the law of England, into however many branches it might be divided, comprised within it the law of Parliament, and the question of privilege was part and parcel of that law, and that, as well as all other law, must be decided by the judges whenever the question came before them. He admitted that it might be inconvenient for judges to decide questions not so frequently before them as questions of common law. It might be inconvenient for them to decide questions of equity, which must of necessity sometimes arise; but they must do so—he had no alternative. But was he to be told now, in the year 1840, that it was a novel assumption that courts of law were forced to decide on this question of privilege when it came before them? He begged the House to observe, that in every one of the cases referred to on both sides of the House, from the earliest down to the present time, in which the privileges of Parliament came under the consideration of any of the courts of Westminster-hall, although they generally upheld and protected the privileges of the House, they had invariably decided on the cases brought before them. What, then, was the meaning of the third resolution of the House,—"That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament." How could the court forbear to decide? In one or more of the cases relied on by the other side—in that of "Jay *v.* Topham," and the case of Brass Crosby—which had been referred to in order to show that when this House had committed one of its own members for that which was pronounced a breach of privilege, and where the party had brought himself by *habeas* before the Court of Common Pleas, in order that he might be discharged, the court refused to discharge him. But did that court on that occasion conform to the present resolutions of the House? Did it refuse to assume to decide upon the privileges of Parliament? On the contrary, the very question was raised; the direct question upon which the decision proceeded was this—"Has the House of Commons a right to commit one of its members for that which it declares to be a breach of its privileges by him committed?" The court proceeded to consider that question; they heard it argued; they debated it; and, so far from not assuming to proceed to a decision, they did decide that the House of Commons had the privilege, and accordingly the court could not interfere, and the prisoner was remanded to the Tower, from which he had been brought. In these, as well as in all other cases, the courts did decide, because they were bound to decide, every question which was brought before them. It would appear that some hon. Members had come to the conclusion, that because the privileges of the House had always been upheld and defended by the courts, they had therefore denied their jurisdiction. But that was not the fact. The various privileges claimed by that House could not have existed, and he ventured to add, they could not hereafter exist, even for a single session of Parliament, unless they were upheld and protected by the courts of law. How could a Member of that House, whether arrested on civil process or imprisoned on a graver charge, go before the Court of Queen's Bench by *habeas corpus,* and plead his privilege successfully, if, according to the resolution of the House, the courts of law were not to entertain a question of privilege? But so far from the courts having an opinion that they had no right to enter upon the question of the privileges of that House, they had released Members of that House from custody; and he had no doubt, that as long as the laws continued to be upheld, the judges would continue to administer the law of Parliament as part of the law they were bound by their oaths to administer. What was the course pursued in reference to the case of "Burdett *v.* Abbott," that case which was relied upon by the other side as one of high authority? Did the House proceed as the House was now proceeding? Did the House then say, "We will not defend this action; it is a high contempt and breach of the privileges of the House, and we will punish those who brought the action and those who assisted in carrying on the action, and even the judges themselves who may proceed to decide the question, but we will not interfere in any other way?" On the contrary, the House ordered the Attorney-general to attend in the Court of Queen's Bench, and plead in defence the privileges of the House; he did so; the case was argued before the whole court, and the court affirmed the privileges of the House, and gave judgment in favour of the defendant. But did the Court of Queen's Bench in that case, which was justly looked to as one of high authority, repudiate the idea of entertaining the question of privilege? Did the court say, "These are matters too high for us to entertain?" Did they at once admit that they must not assume to decide upon a question of privilege? On the contrary, in one of the most luminous judgments ever delivered from the bench, Lord Ellenborough said, that the very first question was one as to the privileges of the House. The only points, he said, which were immediately presented on the record for their decision were, first, whether the House of Commons had any authority by law to commit in cases of contempt and breaches of privilege; and, secondly, whether, supposing it to have such authority in general, that authority had been well executed by the warrant in question? Was that opinion in any way consistent with the resolution which declared the House itself to have "sole and exclusive jurisdiction to determine upon the existence and extent of its privileges?" Was he to be told, then, that it would be a breach of privilege for a court of law to proceed to decide contrary to the resolutions of that House? Or were the judges to be told, that if they decided in favour of the House, it would be no breach of privilege; but if they decided against it, they would be guilty of a breach of its privileges, for that, he said, without the fear of contradiction, was the only intelligible meaning which could be put upon their resolutions? It could not but be wondered at, that such resolutions should have emanated from a committee consisting, as it did, of some of the most learned and able Members of that House. But he hoped the House would consider what was likely to be the effect of those resolutions, what would be the position of the judges of the land when the question of privilege came before them, and whether the House did or did not possess the right which it claimed of publishing papers without restriction or qualification, and of authorising others to publish without fear of legal consequences? Let them rescind those resolutions, which would make the judges of every court in Westminster-hall guilty of a breach of the privileges of that House, if they performed the duties which they had sworn, and were solemnly bound by oath, to perform. It was said, if they allowed a court of law to decide upon their privileges, they would not know where the encroachments of courts of law would end; that, by and by, they would be denied the privilege of speech; and that, in the end, the whole of their privileges would be sacrificed to the usurpations of courts of law. Did the legal history of the country go to sanction such an argument? Had the courts of law heretofore been slow to acknowledge the privileges of the House of Commons? In every case, except that of Ashby *v.* White, from the earliest case after that down to the case of Burdett *v.*

Abbott, the courts of law had always upheld their privileges. That in one single case in the course of a century, the courts of law had decided contrary to what the House of Commons believed to be their privileges, was no evidence of a systematic opposition to their privileges. It was urged that the House of Commons ought not to proceed by writ of error in a case affecting their privileges; that they ought not to submit their privileges to be decided upon by the House of Lords. This was equivalent to saying, that the question should never be decided at all; for a declaratory act of Parliament was the alternative recommended. Such an act, however, must have the assent of the other House of Parliament. The House of Lords must declare it to be the law, that the House of Commons possess the privileges which they now claim. What would this be but a submission to the House of Lords of the question, whether or no such privilege existed? If there were a writ of error, the House of Lords must declare the same thing, upon inquiry into this unfortunate judgment, of which the House of Commons seemed to think so much. Why should there be so great a fear of submitting this question to the House of Lords? That was the highest tribunal of appeal in the country; and if they were content to trust matters relating to character, to property, to their liberties, and even to their lives, to the judgment of the House of Lords, why not trust them to decide upon their privileges? If there was one question more than another on which an unfavourable judgment by the Lords was not to be dreaded, it was precisely this question of privilege; because the House of Lords could not deny the privileges of the House of Commons without at the same time denying their own. But certain consequences must ensue from a refusal on the part of the House to submit the judgment of this question to the House of Lords. Was there any Member who believed, that Mr. Stockdale was dragged an unwilling prisoner to their bar? Did any one doubt, that Mr. Stockdale was most desirous of coming before them, and of prolonging to the utmost this unseemly contest? On the contrary, he came before them at the very first summons—he addressed them with a firmness of tone which they unfortunately had not followed up in their resolutions. He defied their power and despised their threats. Why? Because he was well aware that, upon the rashness of their course, he was building his fortunes; and because, in consequence of the House having forbidden the Attorney-general to appear to the second action, he had recovered damages, not against the Messrs. Hansard, but against the House of Commons. With such a person, see the consequences of the course proposed to be pursued by the House of Commons. On the very day of the prorogation, Mr. Stockdale would be in a situation to commence an action against the sergeant-at-arms for every day during which he remained in custody. As an addition to the fortune he would make at their expense, he would bring his action, not against the sergeant-at-arms in his official capacity, nor against the Speaker, but against Sir William Gossett as an individual; and there would be nothing on the record to show, that the act for which compensation was sought was done by order of the House of Commons. Before the House could meet again the case would go to trial. Mr. Stockdale would be represented to the jury as a man who had been utterly ruined by order of the House of Commons; and it was not to be supposed that the jury would, under the circumstances, be very particular in their verdict. Ought the public to be made the victims of such a contest? The House would be obliged to vote sum after sum to indemnify their officers. Ought they not rather to say, "We, the representatives of the people, feel a confidence in the judges of the land—we know that the law will be administered fairly to the country.' Why persist in maintaining this question of privilege, not for the benefit but to the injury of the people? Why continue to heap up expenses on them, and degradation and disgrace on themselves? They draw a man from the most unfathomable obscurity—a man whom it was impossible to injure, but who must be a gainer at every step of the contest, and who, come what would, must enrich himself at their expense. Next came the sheriffs. They were the sworn officers of her Majesty whose first duty it was to obey the writs issued to them from the different courts at Westminster Hall. In the present case they had endeavoured faithfully to execute the writs issued to them; they had levied a sum of money; and now, for the first time in the legal history of the country, the House of Commons was about to step in between the Court of Queen's Bench and the officer, to put their hand into the pocket of the sheriff, and hand over the money levied under the writ to whomsoever they might think fit to receive it. Why, even in the most tyrannical times of Parliamentary authority—in the day of the origin of this supposed privilege—in 1641, in the time of the Long Parliament, there arose no instance of such positive and direct tyranny as that which was sought to be resorted to in the present case. Could any case of tyranny be found to equal the present—when, an action having been regularly commenced in one of her Majesty's courts, by one of her Majesty's subjects, the House of Commons, without any semblance of justice, were about to call on the sheriff to disobey the writ—to take from him by the strong arm of arbitrary power money, received by him in pursuance of that writ, and then leave him to bear the consequences? Before another week elapsed the sheriffs would be compelled by the Court of Queen's Bench to pay the money over. Was it fair, was it just, that these public officers, who were wholly free from blame, should be compelled, as inevitably they must be, to pay over again the sum of 690*l.*, merely because they had presumed to obey one of her Majesty's writs? This was the first case that had ever arisen in which that House had proposed directly to interfere with the regular proceedings of courts of justice, and not merely to interfere with the proceedings of courts of justice, but also to interfere to take money from the pocket of the subject, without any Parliamentary authority for doing so. He called on the House at once to set the example of yielding to the laws, and thereby secure the welfare of the community; and to avoid, and at once abandon a course, which could only bring disgrace and degradation, on themselves and rouse a spirit of discontent in the people, of whom they were the representatives. The hon. and learned Gentleman concluded by moving, by way of amendment to the first resolution, in relation to the sheriff of Middlesex, the following resolution:—

"That it appearing to this House, that an action has been brought against James Hansard and others, for the publication by them, under an order of this House, of certain papers containing libellous matter upon John Joseph Stockdale, and that judgment has been obtained and execution issued by due course of law against the said James Hansard and others, in such action, it is expedient that the said James Hansard and others be indemnified against all costs and damages by them sustained in respect of such action."

Lord *Eliot* having given two or three silent votes upon this subject, would address a few observations to the House upon that occasion. The question before them was one which it was of the highest importance should be kept free from all party feeling; and it grieved him to observe that some hon. Members did not appear to be of that opinion, in consequence of which more asperity had been observable during portions of the debate than he thought was necessary. He should not follow that course; but in saying so he did not attribute unworthy motives to those hon. Members. No man desired more anxiously than he did to see all the privileges of the House of Commons carefully preserved, they being, as he believed, for the benefit of the community; but he should express a doubt as to whether the hon. and learned Gentleman who preceded him had not drawn too broadly an instance of the extent of the privileges of the House, by saying that no Member of that House could be punished for any act he might do in that House. Supposing that in former days, when great excitement prevailed, that one Member killed or stabbed another, would not the criminal law of the country have a jurisdiction over that offence, which would not be affected by the privilege of Parliament? He should not stop to inquire as to whether that case had been put too broadly, but he should ask, with respect to the question before them, would not the injury done to an individual more than counterbalance any good that might be expected to arise from the assertion of that privilege? Were there not other means which might be adopted to prevent such a statement as that which had been the cause of the proceedings which were then occupying their attention? In the evidence respecting prisons, would it not be sufficient to have stated that an improper book had been found in a prison without stating any thing about Stockdale? In what was the case strengthened by naming Stockdale? He was of opinion that if due caution had been used, the grounds which Stockdale based his action upon would not have been afforded. But Stockdale had not succeeded upon the merits of his case, and he should again remark that, if due caution had been observed, that for which Stockdale instituted the action might have been avoided. If it were, however, necessary, for the benefit of the country, that all the proceedings of the Parliament should be laid before the public, it was only fair that the public should pay for it. If the noble Lord succeeded in his motion, if he succeeded in making the judges of the court say that was law which they then denied was law, it was only fair that at least he should give those individuals who were charged, an opportunity of appearing at the bar to answer the charges which had been made against them. The question to be elicited was one of great importance; it was whether this privilege had a legal and constitutional existence, or whether it depended on the right claimed for the House of being the sole judge of its own privileges. This question would be brought to a more satisfactory issue by adopting the amendments of the hon. and learned Gentleman, than by adhering to the original proposition. He had, therefore, great pleasure in seconding the Amendments.

The *Attorney General* did not rise to follow his hon. and learned Friend into the various legal arguments which he had brought before the House. He had two strong reasons for avoiding that course; first, that his hon. and learned Friend had not moved to rescind the resolutions of May, 1837, which, while they remained on the journals, must be considered as the foundation of any proceedings on this subject; and, secondly, that there was now no room for delay or postponement, because from information on which he could rely, he knew that a motion would be made at the sitting of the Court of Queen's Bench the next day, to make the rule absolute to compel the sheriff of Middlesex to pay the money to Mr. Stockdale. To-night, therefore, they must come to a resolution on the question, and he hoped they would come to a resolution which would be obeyed by the sheriffs of Middlesex, and afford them sufficient cause to show against the rule. With regard to the two resolutions to which his hon. and learned friend had referred, he thought they had met with such strong support in that House, having been passed almost unanimously, and no motion to rescind them having been made, they must be looked upon as the foundation of their proceedings on this subject. He trusted, indeed, that no one entertained any doubt as to the fundamental necessity of maintaining their existing privilege of publishing whatever they might consider necessary for the public benefit, and for the due performance of the functions vested in them. That privilege rested on the foundation of necessity, of exercise, of acquiescence, and of authority. It was allowed on all hands (and he believed his hon. and learned Friend would admit it too), that that Hose could not properly perform its functions, unless it were at liberty to publish to the country the information on which it acted. This was a privilege that had existed for upwards of two centuries, and had been invariably exercised. He did not go back to the time of Richard 1st, or to the origin of legal memory. Printing was then unknown; but if there were any new mode by which information could be conveyed to the people, it might be adopted by the House of Commons from time to time. Since the year 1641, there had been a uniform acquiescence in this privilege. During the whole of that period, had there been any proceeding, either civil or criminal, against any Member, against the Speaker, or against any officer of the House of Commons, on account of anything done by them pursuant to the order of the House? In the case of the King *v.* Williams, there was an information by the Attorney-general; but that was illegal and unconstitutional. Since that time, the House had been in the constant and uniform practice of publishing matters which would be likely to give rise to prosecutions, but no such prosecutions had ever been instituted. During that period, there had been many persons like Mr. Stockdale, who, if they had thought that an action could be maintained, would have been anxious to place themselves in a similar situation. Yet no attempt up to the present time had been made to impugn what had been done under the authority of the House of Commons. For authority he would refer to the Bill of Rights itself, which says, "that no person shall be questioned for what he has done in Parliament." which meant also, what is done by authority of Parliament. [*Oh!*] Did Gentlemen who issued that sign mean to assume that the Speaker should not be exempted from indictment or action, but that what was done by the authority of that House should render the clerks at the table or the sergeant-at-arms liable to action or indictment? Those who framed the Bill of Rights well knew and were anxious to declare that anything done by the House of Lords or the House of Commons could not afford any ground for bringing an action or preferring an indictment. In the King *v.* Wright, the judges laid down, that no criminal information would lie against a printer for any matter printed by order of the House, but they further held, that matter so printed by order of the House, might be reprinted without subjecting the party so reprinting it, to any criminal proceeding. The King *v.* Dangerfield could not properly be used as an authority on the opposite side. He had looked with the utmost care into all the reports of that proceeding, and he would venture to affirm that there was not the slightest reason to suppose that the defendant was indicted for acts done by him in pursuance of the order of the House, or that he ever set up the authority of the House as his defence. That Dangerfield was committed for what he had done under the authority of the House, was a mere gratuitous assertion. With regard to the question of that House being the judges of their own privileges, he would not occupy their time further than to state, that the judges from the earliest times, down to Lord Tenterden had held, that the Houses of Parliament were the judges of their own privileges. Among the great names by whom this doctrine had been laid down were Lord Coke, Mr. Justice Blackstone, Chief Justice De Grey, Mr. Justice Powys, Mr. Justice Powell, Lord Camden, and Lord Chief Baron Comyn, [*Sir E. Sugden* Where does Lord Camden lay down such a doctrine?] Lord Camden, in the case Entick *v.* Carrington, observed, that:—

> "The only instance of the power to commit without the power to examine on oath, that can be produced, is the practice of the House of Commons, but this instance is no precedent for other cases; the rights of that assembly are original and self-created; they are paramount to our jurisdiction, and above the breach of prohibitions, injunctions, or error."

But then it was said, what were the judges to do? Were they not to decide upon matters of privilege when brought before them? Undoubtedly, when a question of privilege arose incidentally before them, they were bound to decide on it; but they were to decide according to the rule laid down by Parliament. Either House of Parliament was a court of peculiar and exclusive jurisdiction as regarded their privileges, and every court of law was bound to decide according to the decision of either House, whenever a question of privilege came directly or incidentally before it. The hon. and learned Member for Ripon, on a former evening, had cited a number of cases in which the Judges had asserted their right to inquire into the privileges of Parliament. If the hon. and learned Member would examine those authorities, he would find that they referred to one of two alternatives; either where a question of privilege arose incidentally, and where the judges of course must decide it, just as they would decide upon the law of France, or Scotland, or Holland; or to cases (which cannot decently be put) where a House of Parliament clearly travelling beyond its jurisdiction should make an order so monstrous, illegal, and preposterous, that no attention ought to be paid to it. For instance, if the House of Commons were to order a man to be put to death for some supposed offence. Would any one deny that to make an order as to the publication of papers essential to its proceedings was within the jurisdiction of Parliament? Would the hon. and learned Member for Exeter, the hon. and learned Member for Ripon, the hon. and learned Member for Ipswich—the order in question being within the jurisdiction of the House of Commons—deny that the House had a right to issue it? They must one and all declare, that the judgment of the Court of Queen's Bench in "Stockdale *v.* Hansard" was contrary to law. Great as the difficulty was on one side, there was still greater difficulty on the other. According to the course recommended by his hon. and learned Friend, the Memfor Ipswich, Mr. Stockdale would to-morrow morning obtain his 600*l.*, and the House would lay down as a principle to be acted on, that every court of law in the kingdom was to judge of their privileges—of privileges without which the country never would have maintained its free constitution. But in all times to come they would have no means of vindicating their privileges, if they allowed them to be violated in the present instance. His hon. and learned Friend said that the House might trust its privileges with perfect safety to a court of law. Our ancestors thought no such thing. They entertained no such opinion. The House of Lords thought no such thing; for that House, as well as our predecessors in this

House, thought and felt that it was only by themselves keeping a strict guard over their privileges that they were secure of them. He rejoiced that they were not engaged in the struggle for any individual privileges of the Members; but they were engaged in a struggle for the public. They were engaged in a struggle, that the public might be informed of their proceedings; and that the public might know something more of the laws than merely to be called upon to obey them. But let us see whether the course pursued by his noble Friend, the Secretary for the Colonies, would not be attended with much less danger and inconvenience than any other that could be suggested. His noble Friend's proposition was, that the sheriffs should be required to pay back the money, the result of the levy and execution in the suit, to Mr. Hansard, and there could be no doubt that if they refused to do so, that they would be subject to the displeaof the House. His hon. and learned Friend said, that such a proceeding would be contrary to law, for an action had been brought; the plaintiff had obtained a virdict; the damages had been assessed, and judgment and execution followed, and it would be against law to prevent their letting the plaintiff obtain the result of the verdict in his favour. But this was begging the whole question. If this action were properly brought—if the proceedings did not interfere with their privileges—if the Court of Queen's Bench had jurisdiction in the matter—and if a duly verdict had been obtained, then it would be a most monstrous injustice on the part of the House to interfere. But the truth was, that the action was directed against their proceedings—it was an unlawful proceeding from the first—it was void, unconstitutional, and contrary to law, and they were actually conforming to and vindicating the law when they interfered to prevent the verdict being carried into effect. This was an action and proceeding which should never have been commenced, and therefore, the sheriffs would only do right to obey the order of the House. The sheriffs had sworn truly to return and truly obey all the Queen's writs, and the oath that they had taken had been much relied on by Gentlemen opposite to show that they would be guilty of perjury if they did not execute the writ of *fieri facias*, and hand over the result of the execution to Mr. Stockdale. But the sheriffs had sworn to obey the law, and if they did so, by obeying the order of House of Commons they would act in conformity with their duty, and they would satisfy their consciences. The oath of the sheriff ran—"I will truly return and truly serve all the Queen's writs according to the best of my skill and knowledge;" but at the same time the sheriff, or those who acted for him, were bound, before they executed the writs to see that they were lawful, and that they had not been superseded by lawful authority. If the sheriff received a writ to seize the goods of any one, he was bound to obey it; but he might subsequently receive an order from the Lord Chancellor, the Vice Chancellor, or the Court of Exchequer, directing him not to do so. If he obeyed the latter, was he to be considered guilty of perjury? Certainly not: because he obeyed the law which superseded the former writ. This was a very common proceeding from the courts of equity, and no one ever thought of resisting this order. But the sheriffs' oath proceeded thus—

> "I will truly and diligently execute the good laws and statutes of this realm, and in all things well and truly behave myself in my office, for the honour of the Queen and the good of her subjects, and discharge the same according to the best of my skill and power."

If, then, part of the good laws of the realm were the privileges of the House of Commons, and it was intended that they should be obeyed, it was only part of the oath of the sheriff that he should obey the order of the House and pay the money in his hands to Mr. Hansard, from whom it had been illegally taken. In this case where was the difference between an injunction of the Court of Chancery and an order of that House, when the House had jurisdiction over the Sheriff? The order of the House would not run during the vacation; but if the order was issued now, they had the means of enforcing it, or at least of punishing the neglect of it. It was part of the caution given to all sheriffs' officers by the sheriffs—and so particular were they on this point, that it was stated that they should "take care before you levy; beware the parties are not privileged as ambassadors or servants to ambassadors, or any otherwise privileged or protected." This was a specific caution to sheriffs' officers to avoid executing any writ against any privileged persons. The oath of the sheriff required that he should not seize the goods of ambassadors or the servants of ambassadors. Was not the order of the House of Commons equally sufficient to prevent the seizure of the goods of one of its officers, and were not these officers privileged persons just as much as the servants of ambassadors? The sheriffs may obey the order of this House, and he felt satisfied that they would not disappoint the expectations formed of them by the House and the public, and thus oblige those who were so anxious that the privileges of that House should be abolished, or that we and our privileges should be made to depend on the House of Lords or the Court of Pie Poudre. Was it to be suffered that the Court of Queen's Bench should make an order to the sheriff to pay the money over, or, in case of refusal, to issue an attachment? But he did not believe that that court would do anything of the kind, because when it appeared that the sheriffs acted *boná fide*, and were anxious for the due discharge of their duty, and when they showed to the Court of Queen's Bench the order made by the Commons of Great Britain to return the money to Mr. Hansard, and that they had only acted in obedience to that order, he did not believe that the Court of Queen's Bench would act so unjustly, so arbitrarily, and so harshly, as to issue an attachment and send the sheriffs to prison. If this course were pursued, and if the result that he anticipated followed, they would get rid of all difficulty in the case, and neither Mr. Stockdale nor any other persons would persist in actions like that against Mr. Hansard when they saw that such actions were useless, and that they failed in obtaining damages through the interposition tion of the House. But the other course might unhappily be pursued, and if it should, he trusted that the House would not hesitate as to the discharge of its duty. He entirely concurred in the eulogium passed on the sheriffs by the right hon. Baronet, the Member for Tamworth, and he thought that, as individuals, they had acted fairly and honestly, and were most anxious for the discharge of their duty. But that House was engaged in a vital struggle, and if they should take the false step of abandoning the line they had adopted, all the privileges which they possessed, and which were essential for the due discharge of their functions, would pass away for ever. No other step would be pursued than proceeding against the sheriff if he disobeyed the order of the House. They would be placed in a painful situation, but they had no other course to pursue, and he, for one, would not shrink from his duty, but should recommend the House to proceed against these ministerial officers if they infringed these important privileges, which had been handed down to the House of Commons from the earliest time. He did not complain of the conduct they had hitherto pursued, but if they refused to obey the order of the House, and insisted on pursuing the contrary course, and paying the money over to Mr. Stockdale, he should not hesitate as to the line to be taken, and although it would be with great pain and reluctance, still he felt there would be no other course open to them than to proceed against them. This would be acting upon the principle which both Houses of Parliament had ever pursued in cases of this nature. He was justified in this opinion from what had before occurred in that court. In the case of Winter *v.* Miles, where there was an action against the sheriff because he did not execute a writ of *fieri facias*, on property in Kensington Palace, the sheriff stated that he did not execute the writ because he was advised that it would be a breach of privilege, and Lord Ellenborough said, that he considered that the sheriff was justified, as he was not to expose himself to the peril of being proceeded against by the Board of Green Cloth. So he took it for granted in this case, that the court would be satisfied if it appeared that the sheriff acted *boná fide*, and that he considered that he was bound to obey the orders of the House of Commons. He had collected a number of cases and authorities illustrative of this point, which he would proceed to state although he was aware that they might appear to many hon. Gentlemen to be dry details; and he trusted that he should be excused if he occupied some portion of time in laying these proceedings before them, and showing that the practice of the House of Lords, as well as that of the House of Commons, justified the course which the house was now called upon to adopt. It had been laid down by his hon. and learned Friend, the Member for Ipswich, that the House could never interfere with an action in a court of law, and that they must allow every case to proceed before the proper tribunal. Now, the celebrated Aylesbury case, which occurred in 1704, and to which such repeated references had been made, was a striking instance to the contrary; and he would proceed to state some few other cases illustrative of this point, which had occurred before the House of Lords, as well as before this House. In Clark's case, which occurred in 1585, the Lords ordered that the Marshal of the Queen's Bench should stand discharged of any action for liberating a debtor by their order. There was another case that occurred in 1625 before the other House. A petition was presented from the Viscountess Parbeck, complaining of arrest, of her coach and horses taken. The parties who arrested her, and the bailiffs who attached were ordered before the House. The plaintiff and the person prosecuting the attachment, and those who executed it, were brought to the bar and committed to the Fleet. This was a remarkable instance of the summary interference of the House of Lords to stop proceedings commenced in breach of the privileges of the peerage. Another case occurred in 1695, when Sir John Butler and Mr. Leighton, brought an action against the Sergeant at Arms for a trespass. The House of Lords ordered that the action should be discharged, and interfered in a summary manner for this purpose, and attached these parties, and sent them to jail for instituting proceedings against the Sergeant at Arms, for acts done in discharge of his duty, and in obedience to an order of the House. The next case that he should refer to, occurred in 1678, namely Surcold's case, in which the House of Lords ordered the party to be attached for misbehaviour, and arresting persons for what they did in the service of the House. The next was Burron's case, in 1690, when the party was attached for proceedings at law in contempt of an order of the House of Lords. Another case of importance which occurred was that of Digges', in 1587, and which was described at length in the Lord's Journals. The party in this case was gentleman to the Archbishop of Canterbury, and was committed to the Fleet upon a *reddit se* in discharge of his bail in the Exchequer. The House of Lords commanded the gentleman usher to bring Digges before them, and having heard the Barons of the Exchequer and Digges, they ordered him to be set at liberty, and that the warden of the Fleet should be discharged of his prisoner, and of any action that might be brought against him. Another case was of Hogan in 1601. The party in this case, being a servant of the Queen, was arrested by the under-sheriff of Surrey. Complaint was made to the House of Lords, and that House, after a debate as to whether he should be brought from the Fleet by a warrant from the lord-keeper, or by the immediate direction of the House (through the gentleman usher), ordered the latter course to be adopted. Upon Hogan giving a bond to abide by the order of certain Lords as to the payment of the sum for which he had been arrested, he was discharged out of prison and execution, and the House ordered that the warden of the Fleet should be free from any trouble, damage, or molestation, for Hogan's discharge. The under-sheriff was also ordered to attend the House, and directed, that no action should be brought. Another case in the Lords' Journals was that of Biggs, 1768. An action having been brought for false imprisonment against a justice of the peace, who had committed a man to prison by order of the House of Lords; in this case, the Lords ordered the action to be discharged, and the attorney was committed to Newgate, and the plaintiff to the custody of the sergeant-at-arms. The next case he should quote was that of Mr. Hyde, in 1788. This person was a justice of the peace in Westminster, and indicted a person acting under order of the House, and Hyde was called before the House and committed for the contempt. The next case he should refer to was that of a more recent date, and was well known as the Umbrella Case. It was that of Bell *v.* Plas. Some erroneous impressions prevailed with regard to this case; it had been supposed, that the action was brought in the Court of Conscience against the defendant for taking an umbrella from the plaintiff in the House of Lords. The action was to recover the value of the umbrella. The plaintiff recovered judgment for the full value of his umbrella, and he was about to issue out execution, when the House of Lords interfered, and ordered him to the bar, and would have committed him to Newgate, if he had not renounced the benefit of his judgment, and promised submissively not to interfere further. The officers of the Court of Conscience pleaded ignorance of the breach of privilege, and apologized. This case occurred so recently as 1827. Thus it appeared from these cases that the House of Lords, had, from the earliest period to the present time, interfered to put a stop to actions in the court of law in violation of their privileges. So much, then, for the proceedings before the House of Lords, and he would now proceed to show what had been done by this House. The first case that he should refer to as coming before that House was that of Ferrers, in 1543, in the reign of Henry the 8th. Ferrers was elected member for the borough of Plymouth, and was arrested in London by process out of the Court of King's Bench, and was carried to the Compter. The sergeant-at-arms was ordered to go to the Compter and demand that he should be liberated. It was the custom of the House to send to demand the liberation of any of its Members who were improperly imprisoned, and to demand that he should be instantly liberated. The sergeant went to the Compter for this purpose, but the city officers resisted him, and a scuffle ensued in which the sergeant's mace was broken. The sheriffs came and took part with the officers, and the sergeant-at-arms was obliged to go without his prisoner. The sergeant again was ordered to go to the prison, and take a greater force with him, and liberate Ferrers by the mace without writ of privilege. He succeeded in liberating the prisoner. What was done next? The sheriff and the other officers were summoned to the bar, and all the officers that had taken part in the matter were compelled to appear before the House. The sheriffs were committed to the Tower, and the other officers were sent to other prisons, where they all remained in custody until they were discharged on making their humble apology to the House for the course they had taken. The course that was then pursued was approved of by the King and the House of Lords. This proceeding was not by making any application to a court of common law, but the House vindicated their privileges by their own officers, and by their own process without writ of privilege. The next case that he came to, occurred in 1604, and was one of considerable importance. It was that of Sir Thomas Shirley, who had been recently elected a Member of the house, was arrested by the sergeant-at-mace, and confined in the Fleet, upon which the House awarded a writ of *habeas corpus*. The warden would not execute the writ, and was called to the bar of the House, where he refused to give up his pirsoner. The House then ordered him to be committed to the Tower. Upon further refusal he was committed to the dungeon of Little Ease, and he, subsequently, made a full apology on his knees. The next case he should refer to occurred in 1676; it was that of Sturmey. This person was an attorney, and was committed for breach of privilege, for commencing an action against a Member. In 1704, several memorable cases occured, when many persons were committed; and this was after the House of Lords had decided that these actions could be brought. Notwithstanding this, these persons were committed, and the Judges held that the commitments were good. The judge who dissented from the opinion of his brethren was Chief Justice Holt, but Blackstone said, that he was clearly wrong, and this was confirmed both by Lords Ellenborough and Tenterden. The judgment of the judges in the Aylesbury case had always since that time, been taken for granted. In the case of Jay *v.* Topham, which was decided in the Convention Parliament, in which the foundation of our free constitution was confirmed and placed on a solid foundation, the results were most important. In this case, Chief Justice Pemberton and Mr. Justice Jones were committed for giving judgment against Topham, sergeant-at-arms, in an action brought against him for exceeding the order of the House. They were, in the first place, called to the bar, and admitted that they should not have been justified in the course they pursued, if there had been a proper plea of privilege of Parliament. The House, however, was not satisfied, and these judges were committed to the custody of the sergeant-at-arms. This did not occur in the bad times that his hon. and learned Friend had referred to, of 1640-41; but it was done in the Convention Parliament, at the brightest period of our history, when the proceedings were carried on under the auspices of Lord Somers, and when Holt was a Member of that House, and exercised great influence in guiding its decisions. He would now refer to a very valuable report, which was made in 1771, when Brass Crosby was committed to prison for a gross breach of privilege in consequence of his having committed a messenger of that House to prison for executing the orders of the House. A Committee of that House was appointed to inquire into the matter, and they made a most valuable report to the House, in which the whole question is reviewed with great ability and learning. This report was to be found in the 17th volume of the Parliamentary History, page 199. The report after stating that the privileges of the House had been violated in various ways, and after proceeding to describe them stated:—

"In order to lay before the House the result of their inquiry with tolerable brevity, and some degree of method, the committee have reduced under three general heads the obstructions which have been given at different times to the orders of the House, and under each of these heads have ranged the different modes in which these breaches of privileges and contempts have been offered; and then submit to the consideration of the House the several methods of proceeding which the House hath opposed to these offences, the proofs of which proceedings appear by cases referred to in the margin of this report. The three general heads of breaches of privilege and contempts of this House, are namely, those arising from first evasion. Secondly, force. Thirdly, colour of law. Offences under the first and second of these heads have been committed—by the absconding of the parties summoned—by open resistance to the officers of the House—and by riots and tumults—by the refusal of civil officers to assist the sergeants or messengers of this House, or to release persons entitled to the privilege of this House when detained in their custody. It appears also to your committee, as well from searching the journals of this House, as from other authentic evidence, that in order to remedy the abuses, and to remove the obstructions above recited, this House has proceeded to support their privileges, and to enforce the execution of their orders, by the following methods:—namely, 1. By addressing the Crown to issue proclamations for apprehending those persons who thus stood in contempt of the House. 2. By renewing their orders against such persons, and committing them in a subsequent Session of Parliament. 3. By orders to mayors, bailiffs, and sheriffs, to assist the sergeant or messenger for the apprehending of such persons; or to the sergeant of this House, to call on the sheriffs of Middlesex, and the sheriffs of other counties, and all other magistrates and persons for their assistance. 4. By committing for breach of privilege of this House, those officers of the peace who have refused their assistance to the sergeant of this House when so called on. 5. By imprisoning those who refused to release persons entitled to the privilege of this House, and by increasing the severity of their restraint, according to the nature of the offence and in consequence of the contumacy of the offender."

Each part of this statement was justified by numbers of cases quoted in the margin. He thus thought that he had shown sufficient to justify the view that he had taken of the case, and, above all, in proving that they had committed judges and all other parties for carrying on suits or actions respecting matters in any way affecting their privileges. All that he now contended for, from the cases that he had cited, was, that it was manifest that the House had repeatedly stopped actions commenced in contempt of their privileges, and that they had the power to order any action to be discontinued, and the proceedings annulled, when in violation of their privileges. He had also proved it from the report of the committee of 1771, fortified as it was by so many cases and precedents; and he trusted now, as they had ever done before, that they would not suffer their privileges to be questioned by any tribunal in the country, either high or low. But it was not merely the House of Lords and the House of Commons that possessed this privilege, but other inferior tribunals also possessed it; for the Court of Chancery and the Court of Exchequer repeatedly stopped actions brought against those acting under their orders. He was unwilling to detain the House, but he could mention a great number of cases in which the Court of Exchequer had removed actions brought against officers of revenue in their own court, and ordered the proceedings to be stayed. On this point he would only mention the cases of Cawthorn *v.* Campbell, Benhold *v.* Candy, Penny *v.* Bacley, Penny *v.* Pennington and Baring *v.* Sutton. There were also many cases in the books in which the courts had restrained parties from proceeding against officers in other courts. Such were the cases of Bacley *v.* Devereux, and May *v.* Hood. There were many cases reported, indeed the books swarm with them, in which the Courts of Equity ordered actions brought against sequestrators and receivers to be discontinued. There was the case of Frowd *v.* Lawrence, in which a party was restrained by the Court of Chancery from bringing an action at law for damages, even when irregularly attached by that court. The privilege, then, that was exercised by the Court of Exchequer and the Court of Chancery had been acted upon from the earliest period by both Houses of Parliament, and would they consent now to tie up their hands in this matter, when their dignity had been so grossly insulted? No one felt more deeply than he did the importance of this subject. It had given him the greatest anxiety, and it was not without pondering the whole case most deliberately, and considering it in every possible point of view, that he ventured to recommend the course which it was now proposed to adopt. Let the House do its duty. Let it employ those means which the law and the constitution vested in it for the preservation of its privileges. In doing this, the House would not be to blame; but it would be blamed by all posterity, if without making a strenuous effort, it were to surrender these privileges which the representatives of the people had inherited from their forefathers. He was not afraid of the tone of public feeling. He believed that the public, the more they understood this question would the more approve of the decided part that it was proposed the House should take. He believed, on the other hand, that the public would greatly censure the House, if, from any timidity, it was now to draw back and succumb to the courts of law. The House might be in some difficulty, but he believed that the boldest course on this occasion would prove the safest. It was only from timidity and vacillation that any real danger would result. Let the House be firm; let it be consistent; let it act with vigour, at the same time that it acted with moderation; and he had no doubt that the issue would be successful, and that their privileges would be preserved, and be handed down to the latest posterity.

Sir *E. Sugden* felt the disadvantage which he laboured under in following the hon. and learned Member who had just sat down, not only on account of the difficulty of coping with the talents of the hon. and learned Gentleman, but because he had, from the commencement of the discussions on this question, resolved to conduct himself with moderation. He had as great a respect for the privileges of the House, as the hon. Members who took an opposite view of the case, and he therefore respected the opinions which they conscientiously entertained. He had never heard a speech that struck him with more surprise than that to which they had just been listening. He should not speak of the singular position in which the hon. and learned Member was placed, by being at the same time the Attorney-general of the crown and the accuser of courts of justice. But he must express his astonishment at the proposition, that whatever the House of Commons chose to assert was to be taken as the law of the country. The hon. and learned Gentleman told them that the judgment of the Court of Queen's Bench was an illegal judgment, while the resolution of the House was legal, just, and binding. Was it possible to proceed with the argument in that way? Was not the judgment of the Court to be considered as a proper one until it was reversed? But he supposed it would be said, that although the judgment might be right in point of law, still the House did not choose to leave such a question to the decision of a court of law. That argument would leave the decision of the judges intact. The hon. and learned Gentleman had made a great number of assertions, but among them there was not a single observation, not a single proposition, that was not directly opposed both to law authorities and the constitution. Now let the House see if he was justified in making this sweeping and bold assertion. The hon. and learned Gentleman said the resolutions of the House were supported by necessity, acquiescence, and authority. The necessity he took for granted, and the acquiescence he proved by stating that no attempt had ever been made to impugn the jurisdiction now claimed since the time of Mr. Speaker Williams. But how did this statement accord with the facts of "Burdett *v.* Abbott?" Was not that an action against the Speaker of the House himself? Was not the Speaker—he would not say dragged before the Court of King's Bench, but did he not, instead of seeking to withdraw himself from the jurisdiction of the court, walk gracefully forth, accompanied by the Members of the House, to submit its privileges to the judgment of the legal tribunal? The case was argued with all the learning and all the zeal which the English bar could supply, and was afterwards decided by a judge who was most anxious to preserve the proper privileges of the House. Did the House stop the case at that stage? Did it say, that one court of law having decided in favour of its privileges, it would not suffer them to be questioned any further? On the contrary, it suffered the plaintiff to bring the case before the Exchequer Chamber, and after that, the plaintiff remaining still unsatisfied, the House allowed an appeal to be made to the House of Lords, which was now looked upon with so much dread —a dread altogether groundless; for, if the House of Commons relied on its privilege, it might go with confidence before a body whose privileges were identical with its own; while, if the matter were discussed as a matter of law, the decision in "Burdett *v.* Abbott" showed that no apprehension need be entertained of an unfavourable result. In that case the question was, whether the House of Commons had a right to commit one of its own Members; and if there ever was a case which would justify the House in standing upon its privilege, and refusing to allow any other tribunal to interfere, " Burdett *v.* Abbott" was that precise case. Yet the House had not taken any such course then; and how different was the present case from that, and how beset with difficulties on every side—the privilege now claimed being that of selling out of the House, in the exercise of what he maintained was a new authority, and of a privilege which the House of Lords itself did not assume, publications occasioning serious damage and a lamentable grievance to one of her Majesty's subjects. The hon. and learned Gentleman was therefore wrong in this statement of his; but the next proposition astonished him still more; it was, that the present case was provided for by the Bill of Rights; that, certainly was an opinion which would take the profession by surprise, and would cause Westminster-hall to resound with—he knew not what—echoes. Anything more unfounded, more wantonly incorrect, any more complete and utter mis-statement, it had never been his fortune to hear. Why, what the Bill of Rights provided for was the personal freedom of the Members of the House of Commons, and it had as much to do with a case like the present as Tenterden steeple had with the Goodwin Sands. He understood the hon. and learned Gentleman to lay it down, that what was done by either House of Parliament could give no right of action; that was simply claiming on behalf of the Houses of Parliament a despotic power. The hon. and learned Gentleman had referred to " The King *v.* Wright," as deciding, that no action for libel could be brought upon anything that was published by order of the House; but the hon. and learned Gentleman omitted to notice, that the House in that case had ordered the report to be printed for the use of Members only, and two of the judges, including Mr. Justice Lawrence, stated that they thought it no libel. It clearly was no libel for the House to print a report for the use of its Members, but the right of an indifferent person to publish that which, though it would be no libel in the House, would out of the House be a libel, was quite a different matter. The hon. and learned Gentleman had said, further, in speaking of this case of the King *v.* Wright, that from that time that case had not been denied or disputed. So far was this from being correct, the case had been repeatedly denied and disputed, as every lawyer knew. In the case of Burdett *v.* Abbot it had been referred to, and in the case of Rex *v.* Creevy, Lord Ellenborough mentioned the case also, and observed, that that which was printed for the use of the Members only, was no libel; yet if that which was so printed for the use of Members only, and circulated among them, was afterwards circulated among other persons, by Members of the House, and deemed a libel, he was not prepared to say that it would continue to be covered by the privileges of the House. The hon. and learned Gentleman said, that a resolution of both Houses was binding. Take the case of " Ashby *v.* White." In that case the House of Commons resolved one thing, and the House of Lords decided just the reverse. The House of Commons decided that they had the privilege which they claimed in that case, and the House of Lords said it was a breach of every right of the subject. Now, if that should happen now which happened then—suppose the House of Lords was to decide against the resolutions of the House of Commons, and decide that it was not a privilege that House claimed, but an usurpation of the rights of the people of England—what would then become of the House and its privilege? The hon. and learned Gentleman said, the resolution of either House was binding against a court of law; suppose the House were to come to different resolutions on the question, he should like to know, in that case, where and what would be the event? Which would be on the right side, that House which had the four judges of the Queen's Bench with it, or that House which had the deliberate opinion of those judges against it. There could be no doubt which way the authority would go. As to the power of committing, there was no doubt the House possessed this power: it was incidental to it as a branch of the Legislature, and that power no other authority could annul. The hon. and learned Gentleman had referred to a great number of cases which came rather late into the field; the House should have had them submitted to it, before it exercised its authority against Mr. Stockdale. These cases, however, were all clear and acknowledged. The hon. and learned Gentleman had laid down a principle on a point of law, which deeply interested the whole country. He distinctly stated, that there was no deliberate resolution come to by the House, to which a court of law must not give way; that if any question arising out of such resolution came before a court of justice, the court of justice must decide according to the resolution of the House, or its judgment would be illegal, for that the authority of the House was binding and legal. He could conceive no doctrine more alarming. The just privileges of the House were known and undisputed; and when the hon. and learned Gentleman told the House to beware lest it lost all its privileges--lest it saw its privileges unheeded, and itself reduced to a level with the Court of Pie Poudre, he knew very well that all the privileges which were necessary to the exercise of the functions of the House were guaranteed by the constitution, and by the law, and that no court existed which would dare to seek to overrule them. In mentioning the case of "Ashby *v.* White," the hon. and learned Gentleman had confounded the committal of Patey with the action against White by Ashby. He said, that in that case all the twelve judges, with one exception, held the committal to be good, and that eleven out of twelve consequently decided for the privilege. But how did that case stand? Ashby brought an action against White for rejecting his vote in the borough of Aylesbury. Chief Justice Holt held that an action would lie. The three other judges of the Court of King's Bench held that it would not. Subsequently three other judges decided with Chief Justice Holt; and as two judges were absent, and two remained neutral, the opinions of the judges were equal, and the House of Lords decided by a considerable majority against the privilege claimed by the House of Commons of staying the action, and declared it to be an infringement on the just rights of the people of England. The House should recollect, that the privileges of the House of Commons were equally the privileges of the House of Lords. Formerly, when both branches of the Legislature were united, and were one body, the privileges were common to both; and when they separated, their privileges became the privileges of each. The only difference now was, that they exercised their privileges separately; but still their privileges were identical, *mutatis, mutandis.* Afterwards Patey brought a similar action to that which the House had decided was a breach of their privileges. He was committed. Chief Justice Holt said he could be discharged; the other judges said he could not; for after the House of Commons had put a person in execution, no other authority could release him. The Attorney-general had said, that in the best of times the Convention Parliament had brought Judges Pemberton and Jones to the bar. Yes, they did, and a most cowardly act it was to do at any time. These judges had left the judgment-seat for seven years, and then, when again become barristers, they were dragged to the bar for acts done in their judicial capacity. It was a cowardly act, and one which no House of Commons would dare to repeat; an act which had been since utterly repudiated by every person who was at all acquainted with the constitution; and, assuredly, the hon. and learned Gentleman was the only lawyer in Westminster-hall, or who had ever spoken in that House, who would call the decision of those judges contrary to law. The highest authorities had declared their judgment free from impeachment; Lord Ellenborough had declared it impossible that they could have come to any other decision; all men, until the hon. and learned Gentleman spoke, had agreed that that judgment was unimpeachable, and that its authors were dragged to the bar as victims to the existing excitement of the public mind. If his hon. and learned Friend wouldlook to dates, he would find that the House was examining the case of Mr. Speaker Williams at the very moment they dragged those judges to their bar, and on that account, perhaps, they had been induced to go a little further than they otherwise would, to commit themselves to such an injustice. The argument of his hon. and learned Friend in the case of "Stockdale *v.* Hansard," he was persuaded, would descend to posterity, and be regarded, long perhaps after this debate had been forgotten, as a monument of great legal industry and acquirement, but he had failed to exhibit to the House the fruits of like careful investigation, indeed, his whole statement upon the present occasion was full of hurry, confusion, and inaccuracy. He admired the argument, but not the speech, of his hon. and learned Friend. After all, he was not, he confessed, prepared to enter into this investigation. Nothing appeared to him more extraordinary, than that the Attorney-general should come down at that time of day and state what the law was, after

Stockdale had been committed to the custody of the Sergeant-at-arms. The usual course was, first to decide the law, and then punish the party who was guilty of the contempt: But it seemed we were now reverting to the old practice of striking first, and judging afterwards—first committing Stockdale, and then learning the law. He would address but very few words to the House on the nature of the resolutions, which, strictly speaking, were now before the House. He should vote against them with the most perfect confidence. He called upon hon. Members to consider well the situation in which the House would be placed if these resolutions were carried. If, as he understood his hon. and learned Friend, the Attorney-general meant distinctly to tell them, that the House ordering the sheriffs to pay this money would be a good defence, which they might avail themselves of in the Court of Queen's Bench, he must say, he should be more surprised by the announcement than at anything else in the course of his speech. Was it possible? Considering the office which his hon. and learned Friend held—considering that he was here to direct the House, nay, more, having been counsel for the House, he knew his honourable mind was incapable of any intention to mislead them; but he (Sir E. Sugden) warned them not to rely on the statement—it was not law, and never would be law. The judges would not act on it. It was supposing, indeed an infirmity of the law. The House claimed this privilege before the judges by the mouth of the defendant. The Court of Queen's Bench first decided that they might examine into it, and next, that the House did not possess the privilege. The matter went on regularly to execution; the sheriffs had the money in their hands; then came another resolution of the House, that the sheriffs should not pay it over. But would that be more binding than the other resolution? The court decided solemnly, with great deliberation, against the first resolution, and the same fate might await the second. The position of his hon. and learned Friend was absurd; it was not law. Then what did the Attorney-general mean, what did her Majesty's Government mean, by telling the House that the sheriffs could make such a defence? It could not be done. The proceedings of to-morrow would show that it could not be done. Then the House would see the broken reed on which it relied. He could not help thinking that in the presence of the parties themselves, a very paltry threat had been held out by the Attorney-general against the sheriffs. He was sorry to make use of such an expression, and, as it was contrary to the determination which he expressed at the outset, he begged to recall it. He meant to say it would have been better to leave to the sheriffs the grace of obeying the resolutions, because they were the resolutions of the House, than drive them into obedience by telling them if they did not, the Attorney-general must feel it to be his duty to move for their committal. What, then, would be the situation in which the House must be placed if these resolutions were carried? Suppose the sheriffs obeyed, to-morrow they would be ordered by the Court of Queen's Bench to disobey them. They would be ordered to pay the money to Stockdale. Nobody could for a moment suppose that persons in their position would go to prison: the only alternative, they would pay the money. They would then come by petition to the House, stating that they had acted regularly throughout in obedience to the order of the Court of Queen's Bench, in a case in which an officer was defendant and appeared by counsel; they were called to appear at the bar, informed that the authority of the House was paramount to the common law, and they must be committed if they refused to pay over the money to Messrs. Hansard. Respect for their personal liberty induced them to comply with that order. They went into the Court of Queen's Bench—they stated this upon affidavit—and the judges of that court told them the House had no such power as that which it arrogated to itself. They must pay the money to Stockdale. The sheriffs would then say to the House, "You told us you had a power which you don't possess: you ordered us to pay the money to Messrs. Hansard—we did so; we find the power of the courts of law at least equal to yours, for they made us pay also. Is it fair? Did you mean we should pay twice?" The House, of course, could not have that in contemplation, and thus eventually to redeem their own personal honour, the House would be compelled to refund the money. Was there ever a greater farce? The position in which the House would then find itself must be supremely ridiculous. In the case of Mr. Speaker Williams there was a very awkward clause, directing that the Attorney-general should pay the costs of the proceedings; he hoped, for the sake of his hon. and learned Friend, such a precedent would not be followed in the present instance. If the other branch of the alternative happened, if the sheriffs declined complying with the resolutions, the House must commit them. He prayed to God they might not go that length. It was impossible to estimate too highly the admirable manner in which those honourable persons gave their evidence at the bar—holding a balance, but not equally, between the duty they owed to the Court of Queen's Bench, whose officers they were, and that House, and with an inclination preponderating towards that great branch of the legislature whose privileges they respected as much as any of its Members. He therefore did implore the House to pause before they took any farther step in advance. He hoped means would be taken to stop the future sale of this work. If not, they might depend on it there would be more actions. [*"Hear, hear," and ironical Cheers.*] He understood that cheer. But if they were prepared to involve themselves in these accumulating difficulties—if they were determined to meet them from day to day, and from week to week, they would have occupation enough, and, in the long run, the issue would prove, he feared, not very creditable to themselves. It was not yet too late; he again implored them to pause before they took another step in this matter.

The *Attorney-General* begged to say a few words in strict explanation, and with reference to one or two points which would serve as specimens of the way in which he had been misunderstood by his hon. and learned Friend. In the first place his hon. Friend had denied his statement that there had been an acquiescence in the privileges because they had been questioned in the case of "Burdett v. Abbott." Why, twenty such actions might have been brought, and yet the acquiescence for which he contended was untouched; for what he said was, that there had been for two centuries an acquiescence in the right of publishing whatever the House might think necessary or advantageous for the information of their constituents. With regard to the sheriff. He said in strict explanation, that, with regard to the sheriffs being attached by the Queen's Bench, he by no means asserted that the court would consider the order of the House a sufficient excuse; but in his humble judgment, in point of law, it ought to be held a sufficient excuse. If they had the privilege of publishing, and if actions were brought contrary to that privilege, as in this case, the order of that, the superior court, ought to be considered an abundant justification of the sheriffs for paying the money according to its orders.

Viscount *Howick* said, that perhaps it might appear presumptuous in one who had no claims to professional knowledge to interfere in the discussion of the present evening, which hitherto had been principally carried on by members of the legal profession. But he did think that this was a subject on which perhaps they had already paid too much attention to mere technicalities, to nice distinctions, and to splitting hairs upon judgments pronounced in former days, instead of directing their attention mainly to those leading principles of the constitution, and of the law of the land, which in his opinion were sufficient to enable even those Gentlemen who had not the advantage of a professional education, to pronounce on a subject of this kind, with some degree of confidence, that they had at least a right to exercise their own judgment. He confessed he was very anxious to hear from the right hon. and learned Gentleman (Sir E. Sugden) who had just sat down, a distinct declaration whether he proposed for the future to place all the privileges, the most important and incontestable the House possessed, entirely at the mercy of the courts of law. Would the right hon. and learned Gentleman abide by the decision of the courts of law in all cases?—and would he tell them, to submit to the regular course of law, in any proceeding that might be brought against the House—in violation of the clearest and most indisputable privileges which the House possessed? For instance, suppose, that this action had been brought not against Hansard, but against the Speaker. In that case, if the judge who presided had given an opinion of the same kind as was given with respect to Hansard, if he had maintained that an action lay against the Speaker, and if he had in consequence been awarded damages against the Speaker, and if the sheriff of London or Middlesex had proceeded to levy execution in the official residence of the Speaker — on the goods and plate officially belonging to the Speaker —would the right hon. Gentleman tell them that in such a case they would have no resource but to abide by the decision of the court of law? Would he ask for no other redress than what was offered by a writ of error, and proceeding before the House of Lords? Suppose a different case. Suppose that at the conclusion of a Session an action was brought against a Member, and that it was imputed to him that he had slandered some individual in a speech delivered in his place in Parliament, and if the judges held that there was good ground for such action, and if damages were awarded before Parliament met again, which was precisely the case at present, he would then ask whether the right hon. and learned Gentleman would tell the House that it had no power to vindicate its own proceedings—its own authority? The right hon. Gentleman might tell them that the case he was now supposing was impossible—that a court of law would never proceed to violate a clear and known privilege of the House of Commons. It was not likely, with the present judges, that so palpable a violation of their privileges would take place. But they must look to what was possible in an extreme case, in the case of judges who would not scruple to violate their duty, and go beyond the constitution. The whole argument on the other side rested on the presumption that the House of Commons might be guilty of gross abuse, and might lay claim to privileges which it did not possess. The House of Commons, it was always supposed on the other side, might refuse to be restrained, by the acknowledged principles of the law and the constitution. If they assumed that such extreme cases might occur of abuse on the part of the House of Commons—if they argued on the monstrous supposition that the House of Commons might, as had been said, order a person for execution, and if they were called upon to consider what course should in such a case be adopted, they must equally consider what might happen not more on the monstrous and unlikely supposition that a court of justice would be guilty of a direct invasion of the privileges of the House. If they could go beyond their power, a court of justice might equally exceed its authority. In such a case as he had supposed, he was convinced that the right hon. and learned Gentleman would tell the House they were not bound to submit to the decision of a court of justice, that if their ancient and acknowledged privileges were so openly violated they must vindicate them by their own authority. But by what means was the House of Commons to proceed in the vindication of its privileges, except by some such course as that which his noble Friend had proposed in the present instance? Unless, therefore, they were prepared to admit that no violation of their privileges, however manifest by a court of law, would justify the resistance of the House. Unless it were in future to be received as a principle, that the courts of law were supreme in all questions of this description, and that the House of Commons must abide by their decisions on its privileges, no matter how erroneous these decisions might be. Unless they were prepared for this, the real question to be discussed was — Did they really possess the privilege or not; because, if they did possess it—if they really had a right to publish those papers that were necessary for the public service—he said they were bound to maintain that right, to maintain it without trusting to the decision of any other authority whatever, otherwise they were abandoning those sacred rights and powers which had been handed down to them from those by whom they had been preceded, and which they ought to transmit unimpaired to those who were to follow, for the security and protection of the people whom they represented. They were bound to do this, and therefore they were driven to the decision of the question, whether or not the House really did possess that right to publish papers which had been claimed for it. He must confess, that it had struck him very forcibly, that all through the speeches which had been made on the various nights on which the subject had been discussed, not one of the learned Gentlemen on the other side had ventured to come forward and express a clear and explicit opinion in favour of the judgment which the Court of Queen's Bench had delivered. The right hon. and learned Gentleman who had just sat down, had most distinctly avoided doing so. His colleague, the hon. and learned Member for Ripon (Mr. Pemberton), had equally avoided pronouncing upon the judgment of the court. The hon. and learned Member for Ipswich (Mr. Kelly) actually had gone so far as to say that he would not then give an opinion whether a publication of the kind brought before the court in the case of Stockdale *v.* Hansard could be a libel or not. If he had misunderstood the hon. and learned Gentleman, he would lay no stress on the point. Certainly the hon. and learned Gentleman had expressed very great doubt whether on merely ordinary principles of law, a publication by that House could be held to be a malicious libel. But the hon. and learned Member for Ipswich said, they had no right by resolutions to make that law which was not law, or to claim a power of publishing what was not legal. They only claimed a power of declaring by resolutions what already existed. The publication by order of that House was a privileged publication, and afforded no ground for any legal proceeding. His noble Friend the Member for Cornwall (Lord Elliot), in seconding the motion, had rested the argument almost entirely on the inutility of possessing the power. It did appear to him that the question of the necessity of the power was that, after all, on which the whole argument must turn; because it was a power indispensable to the performance of their proper functions; it was admitted on all hands that the House must possess it, and he, for one, was prepared to contend on this ground that they had the right of publication. His noble Friend said, that there was no advantage, at all events, in those publications which criminated other persons. He must confess that he was greatly astonished to hear that statement from his noble Friend. It appeared to him that if this was carefully considered it would be found not only that it was necessary for them to have the power of publishing papers of criminatory character, but further that those particular papers which it was the most necessary and the most important to publish, were necessarily and unavoidably of a character to afford ground for legal proceedings, if not protected by privilege of Parliament. There was one case, and only one, in illustration of this point, to which he would call their attention. In the year 1790 and 1791, there was an inquiry before a Committee of the whole House on the nature of the slave trade. At the bar of that House Mr. Wilberforce brought forward a great variety of cases to show the extreme iniquity of that trade. Every page of the evidence given before that committee contains statements which would have afforded ample grounds for legal proceedings if not protected by privilege. There was one case—a monstrous and horrible story, which was of that kind, that no one who heard it could forget it—a case of the master of a slaver, who was proved to have treated one of his crew with a diabolical cruelty which ended at last in death. It was proved that he had treated him, while labouring under disease brought on by a pestilential climate, as a skulker from his duty—that he had tied him up until he was at the point of expiring—and that, after protracted torture, the victim died in consequence of ill treatment. Could it be doubted for a moment that the publication of these facts if not protected by privilege would have been a libel. Even if the statement were proved entirely true, the law of libel would regard truth as no reason why a criminal indictment might not have been brought against those who circulated a paper containing such statements. It would be, in the eyes of the law, a libel of the grossest kind. But would the object, for which that evidence, was obtained, be answered, if, according to the declaration of the Lord Chief Justice and the other judges, Mr. Wilberforce had been compelled, when he had procured the evidence, to keep it strictly in his own possession, and perhaps, during the interval between the dissolution of one Parliament, and the return of another, in order to protect himself from the possibility of prosecution to have destroyed it? Let it be remembered for what purpose that evidence was obtained. Fifty years before the time that that evidence was brought before the House, the slave-trade was not only not condemned, but it was regarded as a great object of national policy to increase that trade to the utmost possible extent. The policy of the nation in dealing with foreign countries was not, as now, to put an end to that inhuman and detestable traffic, but to secure to the country the largest proportion of the advantages to be derived from it. How had that bloody trade been got rid of? How had the state of public opinion respecting it which now existed, been produced? How had we been relieved from the sin and crime of allowing that detestable traffic to continue? That great improvement and amelioration in our national character—the relief of the national character from so great a disgrace as the countenance of the slave trade, was entirely to be attributed to the pains with which Mr. Wilberforce and others had enlightened the public mind as to the true nature of that trade. How could they have done so if they were obliged to lock up in their closets the information which they had obtained, and been prohibited from communicating it to others? It was quite obvious that the most powerful weapons in that great struggle would have been entirely wrested from them, and another quarter of a century would have elapsed before the slave-trade was abolished. What was true of the slave-trade was true of every other great and crying abuse. It was the very nature of great abuses that great numbers of powerful and wealthy individuals were interested in maintaining them. Against the opposition of such persons there was no means so accordant with the nature of a free constitution as acting upon the representatives of the people through their constituents. If, therefore, information directly bearing on the character of individuals, frequently containing matter of which there might be great reason to complain, could not be given to the public, it was impossible that a representative constitution could work to advantage. This was not all. Not only was it necessary to satisfy the people of the necessity of improvements in the law, before these improvements could be accomplished ;but also it was indispensably necessary that, whether the law was just or unjust, and was stated to be wrong or ill administered by parties in authority, there should be the means of investigating these complaints. They all knew how much feeling had existed in this country on the subject of the Poor-laws. He asked whether satisfaction could have been given to the country if the results of the evidence taken before the committee of that House, which for two successive Sessions conducted a laborious inquiry into the administration of the poor-laws, had been refused to the public. In that evidence he had no hesitation in stating that in his opinion there were charges of a very odious kind falsely brought against those employed in the administration of the law. Mr. Walter then the Member for Berkshire, and the hon. Member for Oldham, who took very different views of the effects of those laws, from those which he took, had brought forward numberless cases imputing abuses and culpable conduct in various parts of their administration of the law. In his opinion the charges were severally disproved, but it was most important that the whole case should be published, and there would have been great reason to complain if, instead of defending themselves from these charges, the parties concerned in the administration of the law had stifled the accusation by proceeding, as in the case of Hansard, against some one, for the publication of the charges. He felt there was so much to be said on the point of allowing the necessity of exercising this power to enable them to discharge their functions as a representative assembly, that he could hardly trust himself to go further into a topic which would be really endless. He would appeal to the judges themselves to prove that the necessary discharge of their functions as a House of Commons involved the possession of that power. Mr. Justice Littledale quoted, with entire approbation, an expression of Lord Ellenborough, which which was decisive of the point. Lord Ellenborough said, "Undoubtedly, if there were no precedents of recognised practice, such a body as the House of Commons must, *a priori*, be armed with competent authority to enforce the free and independent exercise of its functions, whatever those functions may be." This was the opinion of Lord Ellenborough, to which Mr. Justice Littledale, even in the late judgment, gave his unqualified adherence. Lord Denman, also made an admission to the effect, that the necessity of a privilege formed a ground for its existence. It was impossible to conceive how, on the statements of the judges themselves, there could be any possible doubt that the House enjoyed the right it contended for. Nor was the argument grounded merely on the necessity of the case. There was a strong argument also to his mind in the fact, that for 200 years they had never ceased to exercise without dispute or question, with one single exception, the right for which they now contended. From the year 1641 up to the time when the late action commenced, they had never ceased to exercise the right without question, except in the instance, frequently mentioned, of Dangerfield's narrative. The hon. and learned Member for Ipswich had said that this argument of usage was very much invalidated, because it began in the year 1641, which, he said, was a suspicious period in their history. He thought, however, that it would have been but candid in that hon. and learned Gentleman, when he used this argument, to have mentioned to the House, that the committee by which the subject was investigated had already pointed out that it was indeed true as was stated by the hon. and learned Gentleman, that the practice of publication originated at a suspicious period, because it was a time when the House of Commons claimed powers which it had no right to, but that this circumstance, when coupled with what afterwards occurred, only served to strengthen the presumption in favour of the privilege. It was to be remembered that, at the restoration, the various unconstitutional powers which in the preceding period had been usurped by the House of Commons, were abandoned, and that in consequence of the previous usurpations of the House of Commons, there was then a disposition to go, perhaps, too far the other way, and to press too closely upon the rights of this branch of the Legislature. Yet on the return of Charles the Second, when, in consequence of recent abuse, there was so strong a disposition to scrutinize the powers claimed by the House of Commons, and to bring them back within their constitutional limits, this right of publication was continued in existence, and it was continued too, without being questioned. The practice had been continued up to the Revolution, and from the Revolution up to the present period never had the House of Commons for a single year ceased to exercise its privilege of printing and publishing such papers as it thought necessary. The hon. and learned Member, following the learned judges, said that the argument of usage was of much less weight, because, it might be fairly supposed that Parliament in former times was more cautious than it is at present in exercising its power of publication. It was said, too, that the absence of all attempts to question the right of publication by the House might be accounted for by the fear which the parties aggrieved might naturally entertain of proceeding against so powerful a body as the House of Commons; that it was probable none had been attacked but powerless individuals, or persons, who, being sensible of the truth of what was published to their disadvantage, must have felt that the institution of legal proceedings would only have increased the evil. That was the argument of the Chief Justice, and that, too, was the argument upon which the hon. and learned Member rested. Now, he might admit that the argument would be of some force if it rested upon any fact whatever. But the hon. and learned Member forgot that his argument rested upon an unsupported assumption;—not only was it unsupported, but it was directly contrary to the recorded facts of history. It was not true that the House of Commons had been more cautious in their publications formerly than in the present day. It was the very contrary. He need hardly say that if at the beginning of the last century party spirit did not run higher than it did at present, at all events, it was manifested by proceedings of a more violent description, because the manners of the age were more violent—there was less check upon the passions of men, and they gave themselves greater latitude in the expression of their feelings. Hence it happened, that the papers printed by the House in those days, instead of affording less, afforded much more ground of complaint than those of the present times; as an instance, he would mention the resolutions and counter-resolutions of the Houses of Commons and Lords during the disputes which sometimes occured between them; they would find the House of Lords declaring that the Commons infringed upon the rights and liberties of the people, and the House of Commons passing offensive resolutions against the House of Lords, and both parties betaking themselves to publication. He alluded particularly to the year 1701, when both Houses carried on a war, not only by printing, but by the direct publication of their resolutions. He could not avoid noticing here the extraordinary error which had been fallen into by the right hon. and learned Member for Ripon, in declaring that the publication of their papers by sale was a new power claimed by the House of Commons. There could not be a more unfounded assertion; in point of fact, it was not a very long period since the House of Commons not merely was in the constant practice of causing its papers to be sold, but this sale actually defrayed the expenses of printing its papers and further afforded a profit which was received by the Speaker. If they looked to the important parliamentary papers up nearly to the time of the American war, they would find that they were almost invariably published by order of the House of Commons, and, according to the present practice, the price at which they were to be sold was usually printed on the title page. That practice was discontinued chiefly because papers that were very voluminous began to be published, and the sums received from their sale ceased to cover the expenses. One of the predecessors of the Speaker, finding it a losing account, transferred it to the treasury, from that period to the present the expenses of printing were defrayed by a vote of the House of Commons, like other branches of the public service, and for a considerable time (that is for about sixty years), the sale of reports and miscellaneous papers was discontinued; but it appeared by the report of their committee, that so far as regards the votes of the House and the supplement to the votes, the publishing by sale had never been discontinued; these have been regularly printed and sold by order of the House, without any interruption of the practice It was true, then, that it had long been the practice to publish papers, though some of those papers were of a criminatory tendency. Was it true, then, that an acquiescence in these publications was produced by the conscious guilt or weakness of those who were criminated by these publications? It was far otherwise. In the case that he had already mentioned, and which he had referred to—of the slave trade—in that inquiry had been mentioned the particulars of the ill-treatment said to have been inflicted upon a seaman on board of a slave ship, by the captain. Now, so far from the truth of this charge having been admitted, the person against whom it was made, a man named Clement Noble, was brought to the bar for the purpose of disproving the facts alleged against him. This was done in the course of the examination as to the effects of the slave trade. It was not to be said that in that case those interested in the publication were powerless individuals. It was well known to every Gentleman acquainted with the history of the discussions on the slave trade, that the advocates for that trade were supported by a numerous, rich, and powerful body; so powerful, that for many years they overruled in that House, and in the other, the dictates of justice and humanity. Did they think that that powerful party would have been afraid to attack Mr. Wilberforce? Did they suppose that the same party would not have sought to overwhelm him by expenses, or to bring actions at law, and to have prosecuted if they had thought they could have done so with success, all who assisted to disseminate papers containing statements so injurious to their interests? Did they suppose that that great party if they thought they had the right to bring actions, would not have brought them, when the fact was, as they would find, that large numbers of the copies of the evidence on the slave trade were disseminated? Did they think that when things that were so fatal to their cause were promulgated by means of these publications, that the parties so injured would have failed to adopt these means for defending themselves instead of merely attempting to counteract the impression produced by the evidence against them by evidence on the other side? He thought that it was impossible to suppose so for one moment. If, then, they looked a little further back, they would see cases of a stronger and clearer nature, which must prove that there was a general acquiescence of all parties in the publication of papers of a criminatory nature by the House, and that the House was not to be accountable for them in the manner supposed by the hon. and learned Member. In 1722 a formal complaint was made to the House of Lords, that in a report of a committee of this House was to be found the evidence of a witness charging Lords Kinnoul and Strafford of being aware of a contemplated invasion of this country by the Pretender. A committee had been appointed by this House to examine into the particulars of a treasonable plot which had been discovered and in the report of this committee it was mentioned that it had been stated by one of the witnesses that he had been informed that Lords Kinnoul and Strafford had had a guilty knowledge of the intended invasion of the country by the Pretender. What was the course taken by Lords Kinnoul and Strafford? They did not move that the printers who printed and published this charge against them should be proceeded against. All that they did was, to ask that the witness who had given the evidence of which they complained before the House of Commons should be brought to the bar of the House of Lords, and there examined, in order to discover if there was really any ground for the charge brought against them. They only asked for the opportunity of disproving the charge by a cross-examination of the witness on whose evidence it rested. Now, if the House considered the manner in which the press was treated at that time, it was not at all likely that the parties injured would have adopted that course, and would not have called for the immediate punishment of the publisher of the report, if they had not thought that papers so printed were protected by the privileges of Parliament. It may indeed be said that the House of Lords might not wish to get into a quarrel with this House by proceedings against its printer and might have been induced to forego a course which it would otherwise have adopted. But no such motive could have weighed with the accused lords, or the friends who supported them; they did complain strongly of the conduct of the House of Commons, and were obviously prepared to insist upon any means by which they thought they could obtain redress, and yet they proposed no more than that the witness should be called to the bar. Upon that proposition a long argument took place, which was at last overruled; and, against that decision of the House of Lords, twenty-four peers signed a protest, as being conduct unjust to Lord Kinnoul and Lord Strafford, thus showing that the persons aggrieved were far indeed from being weak and powerless, and therefore likely not to acquiesce tamely in an injustice being done to them, hence it becomes most material to observe, how very differently the House of Lords proceeded upon the same statement before complained of was referred in a publication which was not protected by the privileges of the House. A printer of a newspaper copied the statement from the report of the Committee of the House of Commons; for this they called the printer to their bar—he absconded; he forwarded a petition, begging, in the most humble manner, that he might be excused, and alleging that his family would be ruined by compelling him to remain absent from his business; and the House of Lords rejected his petition. Another newspaper acted in a similar manner. The House of Lords proceeded against the publishers. They saved themselves by giving up the writer; and then, for the mere offence of copying the statement from the Commons' privileged papers, the House of Lords committed him for one month to the custody of the Black Rod, from which he was not discharged except upon payment of his fees. Such was the proceeding of the Lords with respect to unprivileged papers; and yet the original statement, upon which such proceedings were founded, was contained in a report not merely printed for that House, but printed and published the title-page of the original report, which was still to be seen in the British Museum (for he had himself referred to it), bearing the words "Published by order of the House of Commons." This showed, that the privilege vested in the House of Commons, of printing and publishing this evidence was clearly regarded by all parties in the House of Lords at that time, as not liable to question, for even the accused Peers, while they complained of the statement, did not even propose to proceed against the publisher of the paper. A strong minority of twenty-four joined in the protest against the non-examination of the witness; they respected the publication sanctioned by the Commons, but the moment the statement thus respected appeared in the newspapers, and these being papers, too, which might be supposed favourable to those in power, yet not being privileged, the House at once assented as a matter of course to the infliction of the summary and severe punishment which he had already mentioned, thus even what the aggrieved did not think of asking, as against the printer of the House of Commons, was yielded without a struggle by the majority against an unprivileged printer, as redress too obviously reasonable to be refused even to political opponents. The question then came to this: They had asserted, on the clearest ground, the undisputed exercise of this power for two hundred years; they claimed the right of publishing that which they thought it was important to give to the world, and yet the Court of Queen's Bench, notwithstanding the strong grounds on which they rested their claims, were setting them aside almost with contempt, and gave judgment against their officer, and granted damages against him. They were now called upon to submit to this decision. He asked them, if they did so, could they maintain their own authority, or any one privilege that they possessed? Could they maintain the right of freedom of speech in Parliament? Could they maintain any one or other of their privileges, except with the concurrence of the courts of law, if they yielded in this instance? With respect to the freedom of speech, he could well conceive, that stronger arguments could be used for maintaining an action of slander than for supporting the action of "Stockdale *v.* Hansard." It might, in such a case, be said, "it was true, that many decisions established the right of a Member to liberty of speech against the Crown, but that the case of a private injury by slander had never been brought before the court." It might be urged in the very words used by Lord Denman, and repeated by the hon. and learned Member, "one subject has no right to do wrong against another subject, and if redress is asked from us, we are bound to give it." Such an answer Lord Denman, it was said, was bound by his oath to give; but would not the answer be the same if an action were brought for a speech made in that House? Much more injury would be done by slander spoken than by a printed libel, for the slander spoken was not only heard in that House, but circulated throughout the civilized world, whereas the publication might be an obscure passage in a large blue volume, that very few persons might chance to see. It seemed, then, to him, that the argument in an action for slander would be still stronger than for that which was founded upon a publication authorised by themselves. If they, then, found themselves in the situation that an action for slander was brought, and that it was carried to the point in which they found the present action, would or would not the House be bound to interfere to protect its Members from the consequences of any such action? He said, undoubtedly, that it would. In former times, the courts of law were against that House. Both the courts of law and the Crown were opposed to it, and it had to contend against them. And yet, against the Crown and the courts of law that House did maintain its privileges, and transmitted such privileges uninjured to them. Should they, then, depart from their privileges? Should they be influenced by considerations to which their predecessors had never listened? Should they take a course by which they might impair that sacred trust, and which they were bound to give to their successors as unimpaired as they now possessed it? It was said, that this was an unjust proceeding to the sheriffs—that the House ought not to attempt to compel them to repay the money to Mr. Hansard. The right hon. and learned Gentleman who had just sat down told them, that if they did take that course, in requiring the sheriffs, to repay Mr. Hansard, that the sheriffs would be compelled by the Court of Queen's Bench to pay Mr. Stockdale likewise, and that they then would come before them as petitioners, and the House would be bound to reimburse them. He told the right hon. Gentleman, that even if the sheriffs were to repay Mr. Hansard, they would not the less be guilty of a breach of the privileges of the House; if they were to pay over to Stockdale the damages awarded to him, but that if, on the other hand, they refused so to pay on the order of the court, he was fully convinced it was in the power of the House to protect them. The hon. and learned Attorney-general had quoted the case of the warden of the Fleet, which had been before referred to by one no longer a Member of that House, but whom he shortly hoped they would have the advantage of again seeing amongst them—the Warden of the Fleet, who had represented that by enlarging a prisoner he would lose a considerable sum of money, and yet the House of Commons would listen to no excuse, and the prisoner was enlarged. The consequence was, that the courts did not proceed against the Warden of the Fleet. In another case the opinion of Lord Ellenborough was to be referred to, for he deemed, that there was a sufficient excuse for the sheriff in not levying a distress, because it would be deemed a contempt by the Board of Green Cloth. Should it then be said, that it was a sufficient excuse for an officer, that he might incur the displeasure of the Board of Green Cloth, and yet that it would not be an excuse for him, if he incurred the displeasure of the House of Commons? This was a doctrine which he listened to with extreme amazement. He therefore really did not see, that there was any other course to be adopted by them, than that which was proposed by his noble Friend. If they took that recommended by the hon. Member for Ripon, it was possible, that they might maintain the right of publication. It was possible, that they might preserve that particular privilege, because he confessed, that, on the case being well considered, the learned judges, in spite of the decision they had come to, would at length come to the opinion, that a publication by order of the House could not, in the eye of the law, be a libel. There was no malice to make it a libel. [" *Hear, hear!* " from Mr. Creswell.] He perceived, that the hon. Member for Liverpool cheered that statement; in doing so he seemed to forget, that it was one of the arguments expressly put forward by the Attorney-general, and which had been expressly overruled by the Chief Justice in his judgment. The hon. and learned Gentleman agreed with them, that holding the publication by order of the House to be a malicious libel was a manifest error. This proved how dangerous it would be, to submit the question of their privileges to the courts of law; for, the

Court of Queen's Bench being wrong in one instance of such vital importance to them in the exercise of their duties, showed how dangerous it would be to trust their privileges or authority to the determination and decision of courts of law. The whole debate abounded with examples of the extreme uncertainty of the decisions of the courts. If there was any point more frequently referred to throughout the debate it was this, that if the House chose to commit a person, whether properly or improperly, for a breach of privilege, there was no redress to be obtained. That was the doctrine laid down by the hon. and learned Member for Liverpool (Mr. Cresswell), and by both the hon. and learned Members for Ripon, but up got the hon. and learned Member for Ipswich (Mr. Kelly) and said, that he disapproved of the course recommended by his noble Friend (Lord J. Russell), because if they did not discharge Stockdale, every day he was in confinement would give him an additional claim for damages for false imprisonment. Stockdale was committed for contempt, and, by the unanimous opinion of all the other Members of the House, that a commitment for contempt could not be removed, yet the hon. and learned Member for Ipswich said, that Stockdale could bring an action, and that large damages would be given. The hon. and learned Member for Ipswich, might be a judge some day—no doubt his talents and acquirements well qualified him for that station — but if the hon. and learned Member should be raised to the bench, it was clear, that the invasion of their privileges would go farther. The hon. and learned Member held, that a commitment for contempt could not be sustained. That was another proof of the extreme uncertainty of the law, and of the peril to which they would be exposed, if they entrusted their privileges to the decision of the courts of law. He called upon the House to decide, whether this privilege was one really and necessarily belonging to them or not. If they thought it necessary, let them boldly and unhesitatingly claim it, in the manner in which their ancestors maintained their privileges. Let them not shrink from pursuing the same course, and he was convinced that, if there was no hesitation on their part, if they insisted boldly and decidedly on the point on the present occasion, they would succeed in establishing the right for which they were contending, but if they gave way—if they now faltered, if they flinched from the opinion they had voluntarily recorded, there would be an end not only to the particular privilege they now claimed, but to all security, for even the most essential and indispensable of the powers and authorities they claimed as a separate branch of the Legislature.

Mr. *Kelly* said in explanation, the noble Lord had misunderstood him. The noble Lord seemed to suppose, that he (Mr. Kelly) had advanced an opinion that commitment for contempt was not within the power and privilege of the House. He begged to state, that he never advanced such an opinion. He stated, on the contrary, more than once, and he repeated it, that the House had undoubted power to commit for contempt, and no court of law that he was aware of ever yet questioned that power. What he did state, and it doubtless led to the misunderstanding, was this, that in the particular case of Stockdale, whom they had committed, if an action were brought by Stockdale, and pursuant to the resolution moved, that House were to order the Attorney-general to set up privilege as a defence, it would be a good and complete defence, but if they persevered in the course now proposed of committing a person for daring to bring any action whatever, there would then be no ground of defence, and if they did not appear judgment would go by default, the court could take no notice of a privilege that was not pleaded, and he then said, that Stockdale, although lawfully committed, could still recover damages.

Lord *Elliot* begged also to say a word in explanation. What he said was, that where a proper discretion was used, it was seldom necessary to publish matters criminatory of any individual, and that where they did publish such criminatory matter, it would be a crying injustice to refuse a person the means of vindicating his own character, and that, therefore, if they closed the courts of justice, it was imperative upon them to give access to the bar of the House.

Sir *R. Inglis* said, that the noble Lord (Lord Howick) had expressed surprise that no one on either side of the House had signified approval of the judgment of the Court of Queen's Bench. He was one of those who approved of that judgment. The question, however, was not whether that judgment was right or wrong, but whether the Court of Queen's Bench had competent jurisdiction to decide at all. He had already endeavoured to dissuade the House from the career they were entering upon, and he had stated the consequences to which it might lead. He wished to ask the noble Lord, the Secretary for the Colonies, whether he were prepared, step by step, to follow up the consequences of the resolutions he had proposed? He apprehended, that it was a possible alternative, that the sheriffs might refuse obedience to the orders of the House, and in that refusal they might be supported by the Court of Queen's Bench. The Lord Chief Justice of the Queen's Bench, the Chief Coroner of England, might call upon the sheriff of the county of Middlesex to protect the administration of justice. What would follow? Was the sergeant-at-arms to go and attempt to seize the judges upon the bench? Did he understand the noble Lord to assent to that? [Lord *J. Russell*: I neither assent nor dissent.] This must take place if the House followed up its resolution. He took it for granted, that the noble Lord and the hon. Members opposite would not follow the sergeant-at-arms. But would the judges be indifferent meanwhile? Might they not call upon the sheriff to call out the *posse comitatus?* He asked the noble Lord, whether he was prepared for a contest in the streets of London between the military authorities, which a colleague of the noble Lord's might, perhaps, place at his disposal in aid of the sergeant-at-arms, and the civil power? He warned the noble Lord of the necessity of pausing in his career. To advance further would be dangerous to the authority and influence of the House of Commons, and destructive to the constitution of the empire. If the case assumed by his right hon. Friend, the Member for Ripon (Sir E. Sugden), that the sheriffs should pay back the money to Messrs. Hansard, and pay it to Stockdale also, were to take place, the consequence would be, that the House would levy on the sheriffs a fine of 600*l.*, and that for the discharge of the duties which they are sworn to perform. The learned Attorney-general, in a very long speech, had the other night laboured to assimilate the case to that of an order or injnnction of the Court of Chancery, and argued, that because the judges were bound to obey an injunction, they were equally bound to defer to an order signed by the clerk at the table. But, as was stated on Saturday, the orders of the Court of Chancery are issued under the authority of the Crown, just as those of the Queen's Bench are, and this was the true distinction between the cases. For what was the order of the House of Commons? It was that which emanated from a majority of the Members of the House, and if it was good when the majority was, as on Friday last, 149, it was equally good when it was carried by a majority of two or of one. The question was not whether the order expressed the judgment and good sense of the great body of the House, and carried with it a corresponding authority, but whether it was carried by a majority at all; for, if carried by a majority of one, it was carried by a legal majority, and was binding to all intents. But would any one say, that such an order would carry equal weight in the country with the orders of the courts of law? The noble Lord said, that it was the duty of the House to enlighten the public mind by means of these publications; but he would say, that it was first necessary to enlighten their own minds. He thought very few hon. Members were in the habit of reading the publications of the House —exceeding few Gentlemen, he believed, ever read one of the fifty blue volumes. Yes, what he complained of was, that very few Members read those books before they sent them out. The fact was, that every single volume ought to be read by the House before it was laid on the table previous to being sent out. Then, again, in what way were these reports and volumes of evidence and other publications framed? Who was aware of their contents? He hardly thought, that the noble Lord, the Secretary for the Colonies, had read the volume which formed the subject of the late action; he was quite sure, that the majority of these volumes were never read by the majority of hon. Members before they were laid on the table. Again, he asked, in what way were they framed? In what way was the evidence published by the charity commissioners collected? Was the noble Lord aware of this? If he was he would ask the noble Lord, whether that was the kind of evidence which ought to circulate through the country with legalized and privileged impunity, and without the possibility of being questioned? Let the House remember what were the instructions given for the direction of these commissioners in a speech made by a noble and learned Lord at a time when he was only an hon. and learned Gentleman. He had said, that the commissioners ought to be easy of approach, never closing their ears to abuse, because from abuse sometimes an idea of the truth might be formed, not even rejecting the aid of informers who might withhold their names, and not even despising anonymous information. Were the House of Commons to circulate such evidence, collected on such a plan, not merely post free, but even judgment free, through the country, without allowing even the hope of redress to those it might injure, whoever they might be? In short, he felt, that not merely regarding the political dangers which were likely to arise from such a course, dangers which could hardly be overrated in the present state of the country, and which must needs follow from lowering and weakening the authority of the courts of law at a period when the maintenance of that authority was most essential to the welfare of the country. Not looking merely to these probable dangers, but looking to the probability of a collision between the House of Commons and the courts of justice, he asked the House to pause before they resumed the exercise of this power, and reflect well on the course they were pursuing. He asked whether, in the possible event of the sheriffs not paying over the 600*l*., the House of Commons was prepared first to commit them, and then the judges of the land? Did they think, that in such an event the judges would not be attended in triumph to prison by hundreds of the gentry and thousands of the mass of their fellow-countrymen? In saying this he did not appeal to the fears, but to the coldest and calmest reason of the House, and he said, that if the parties who were then in attendance should refuse obedience to the mandates of the House, and be supported in that refusal by the courts of law, whose sworn servants they were, a collision between the House and those courts must occur and and then an appeal to physical force. If that were the course which the noble Lord was prepared to adopt, he (Sir R. Inglis) could not but wish the noble Lord joy of his courage, while he condoled wtth him on his want of discretion.

Sir *Robert Peel* said, he thought it would be conceded to him, that if he adhered to the opinions heretofore given by him, or rather if he persisted in the course which, up to that hour, the House of Commons had taken, he could have no motive whatever but a conscientious one. There was no particular claim upon him, on the part of the present House of Commons, if he looked to the mere merits of the existing institution, that should induce him to come forward in its defence. That House had reposed no confidence in him, and it therefore had no claim upon him, except that which was imposed by a conscientious sense of duty. If mere party considerations could influence him, he would have ranged himself with those with whom he had uniformly acted, rather than with a party with whom he had a temporary but very short agreement, and whom he should, with perfect cordiality, in the very next week, vote to be utterly unworthy of his and the public confidence. He said, therefore, that if he did deviate from the course which the majority of his hon. Friends were inclined to take, it could be from nothing but a sense of that duty which he owed to his country. He would not say, indeed, that there was any deviation on his part: on the contrary, he considered that it was an adherence to the principles of those with whom he uniformly acted. Last session a case exactly parallel occurred—the memorable case of Polack. When Polack gave notice that he meant to bring an action against Mr. Hansard, the House resolved, by the greatest majority he ever remembered in this House—a majority of 120 to four—that Mr. Hansard should not plead. Yet the House considered Polack guilty of a breach of privilege. Therefore he was acting, not only in conformity with his own opinion, but likewise in conformity with what he had a right to presume was the almost unanimous opinion of the House of Commons. He would state to the House the grounds upon which he had arrived at his opinion, and with the utmost admiration for the ingenuity of the arguments which which had been brought forward in this this debate, in order to show the difficulties with which they were surrounded, and the imperfection of their powers, yet let him be permitted to say, that throughout the whole of that exhibition of ingenuity, he had not met with one practical position. Now he would endeavour to state what the position of the House was, and what were its powers. They should hear from him nothing of technicalities. He would, in the plainest and simplest manner, in the plainest and simplest terms, for the sake of giving them every advantage and defence against sophistry, state the grounds of the opinion he had come to. He invited them to consider—to minutely examine that opinion, and the grounds upon which he had formed it; and, if by practical arguments they could remove his doubts, and effect his conviction, they should have his vote. Sir (continued the right hon. Baronet), I maintain, in the first instance this position—that whatever privilege is necessary for the proper and effectual discharge of the functions of the House of Commons, that privilege the House of Commons possesses. That is my hypothesis—my hypothetical position that if a privilege be absolutely necessary for the proper performance of the duties of the House of Commons, of that privilege the House is possessed. My second position, Sir, is this—and it is in strict logical sequence—that this particular privilege of free publication, not liable to be questioned in any court of law, is absolutely necessary. That is my second position. My third position is this: We have no security for the proper and effectual exercise of that special privilege, unless we are enabled by our own declared power to vindicate it. Sir, I rejoice that an opportunity has been afforded for most maturely considering this question—I rejoice for the sake of proving that we are not influenced by factious motives—that we are sincerely desirous of opportunity for mature reflection, that this interval has been suffered to elapse. Sir, I have spent that interval, not in endeavouring to fortify and confirm my previous opinion by reading over the authorities of those who have struggled on behalf of the privileges of the House of Commons; but I have passedit reading over those eminent judicial authorities which are in favour of the opposite position—I mean the judgments of those learned persons who decided the case in the Court of Queen's Bench; and, Sir, I must say, that I have retired from the careful perusal of those important documents with the full and perfect conviction that the powers and authorities claimed by the judges are inconsistent with the privileges of this House; and that the judgment they came to is at variance with their own principle. I refer you to my Lord Denman's judgment itself for proof of that assertion; for he admits most clearly and distinctly the position for which I contend—that, if this privilege be necessary for the proper performance of our functions, then we possess it. Lord Denman says,

> "That Parliament enjoys privileges of the most important character, no person capable of the least reflection can doubt for a moment. Some are common to both Houses, some peculiar to each; all are essential to the discharge of their functions. If they were not the fruit of deliberation in *Aula Regia*, they rest on the stronger ground of a necessity, which became apparent, at least as soon as the two Houses took their present position in the State."

He says further,

> "The Commons of England are not invested with more of power and dignity by their legislative character, than by that which they bear as the grand inquest of the nation. All the privileges that can be required for the energetic discharge of the duties inherent in that high trust, are conceded without a murmur or a doubt. We freely admit them in all their extent and variety."

He likewise says—

> "The proof of this privilege was grounded on three principles; necessity, practice, universal acquiescence. If the necessity can be made out, no more need be said; it is the foundation of every privilege of Parliament, and justifies all that it requires."

Now, therefore, he (Sir Robert Peel) anticipated no answer to his first position, because he had the distinct admission of that which he must consider as a hostile and disinterested authority, that if the privilege be necessary, that House possessed it. He agreed with Lord Denman that they could prove no prescription. But Lord Denman himself had admitted that on the very same ground on which they claimed this privilege of free publication, rested also the privilege even of freedom of debate. He therefore said, that free discussion within those walls rested upon the acknowledged necessity of such a privilege, and upon nothing else. He was not certain that if they were compelled to abandon the privilege of free publication, they had any security for the continuance of the privilege of free debate. Lord Denman also had said, that the privilege of free debate had been denied when Members began to speak their minds. Lord Denman says,

> "Thus the privilege of having their debates unquestioned, though denied when the Members began to speak their minds in the time of Queen Elizabeth, and punished in its exercise both by that Princess and her two successors, was soon clearly perceived to be indispensable, and universally acknowledged."

Then he had no prescription to plead in favour of free debate—Queen Elizabeth had denied it, James had denied it, Charles had denied it—but the privilege of publication rested upon the same indisputable ground of necessity, acknowledged by the judges to prove the existence of the privilege of free speaking. Now there was no power possessed by the Court of Queen's Bench in this respect, that was not also possessed by every manor court, and borough court, and hundred court; therefore it followed that that privilege of free publication, if they were not able to maintain it themselves, was liable to be questioned, not only by those high and eminent legal authorities, for whom he had unfeignedly the highest respect, and concerning whom not one expression of his should be inconsistent with the most perfect reverence. His object was to show, that the privilege of free discussion rested upon the same foundation as that of free publication—namely, acknowledged necessity. He wished to show also, that that privilege of free debate had been questioned, not only by sovereigns in the exercise of arbitrary and despotic powers, but also that the Court of King's Bench itself had in other times denied, not only the right of free publication, but also the right of free debate. He would prove that there was a time when the judges of the Court of King's Bench solemnly denied the House of Commons that privilege. The case occurred in the year 1628, when the Court of King's Bench, and the Court of Star Chamber both declared that they were perfectly competent to take cognizance, after the prorogation of Parliament, of speeches made by Members during its sitting, and they imposed fines of 2,000*l.* and 3,000*l.* on Members for speaking their sentiments of the Ministers of State. In the year 1640 the House of Commons, twelve years afterwards, protested against hat decision; and in the year 1657, the Houses of Lords and Commons, not by law but by resolution, determined that the decision of the Court of King's Bench was illegal. The resolution of the Lords and Commons was, that the judgment given in the Court of King's Bench was an illegal judgment, and against the freedom and privilege of debate. They relied on an Act of Parliament which passed in the reign of Henry 8th, commonly called the "Act concerning Stroud;" but the judges said that was a private act of Parliament relating to Stroud alone, and refused to take cognizance of it, and decided that they were perfectly cognizable of the acts of Members charged with no other offence than speaking too freely in Parliament: therefore the privilege of freedom of debate did not rest on judicial authority. Charles I. also expressly denied the privilege to exist. On the point of the privilege being necessary, he might rely without further citation of authority. Then, was the privilege of free publication necessary? Was it necessary for what Lord Denman called the "energetic" discharge of their duties? What was the nature and character of their duties? What were the universal doctrines held with respect to them? Not that they were bound implicitly to obey the commands of their constituents; but what constitutional writer had ever doubted that there ought to be a general sympathy between the constituent body and the representative? Could they hope that in these times the mere unexplained votes which they gave would meet with unquestioned acquiescence? Was it not important that the public mind should be enlightened by their acts? What was the meaning of the right of petitioning? Was it meant, that they who should have that right should be utterly ignorant of what they petitioned about? Was it right that they should have imposed on them the obligation of petitions coming from vast bodies of men in utter ignorance of the main facts about which they petitioned? What great legislative act that had been passed by Parliament for the last 50 years had not been passed mainly from the influence of public opinion bearing upon the House of Commons? Take the abolition of slavery. Did they believe that slavery ever could have been abolished unless they had published to the world the evidence of the abuses and horrors of slavery? He would also ask this question, in connection with another of their functions: would they have succeeded in persuading the people of England to pay twenty millions of money for the abolition of slavery, unless they had imbued the public mind with the deep and perfect conviction, that such were its abuses —such its unjustifiable character—that a moral stigma and degradation would attach to the nation unless it were put an end to? Could it be asserted as the shadow of an argument, that they had a right to impose a pecuniary burden of twenty millions, and yet be unable to say, "We will tell you the grounds and reasons for this imposition?" Would they answer him that? As it was, the twenty millions had been called for, and the people were convinced that, great as were the financial embarrassments of the nation, it was for the honour and glory of England that the sacrifice should be made. Could they have hoped that their call for this sum would have been willingly and cheerfully responded to and obeyed—that you would have carried with you public opinion, and made the impression you wished upon foreign nations—if the people had been allowed to believe, as it had been industriously striven that they should, that the condition of a slave in the West Indies was preferable to that of a labourer in England? The noble Lord the Member for Northumberland had referred to the slave trade, but he would cite a still stronger case than that instanced by the noble Lord, and he would then ask whether the slave trade would have been abolished if the public mind had not been correctly informed on the subject? Evidence was taken before the privy council on the subject, and was published to the world in 1788. In 1789, when Mr. Wilberforce brought forward the question, he had to struggle with the impression that had been produced by that evidence upon the public mind favourable to the system. He asked for a committee to remove the impression that the delegates had made. He would read to them the evidence which had been given, and the evidence which had been given to rebut it. Mr. Norris, one of the Liverpool delegates, had given this account of the middle passage:—

"The apartments of the slaves were fitted up for their accommodation as much as circumstances would allow. The right ancle of one was connected by a small manacle to the left of another; and, if they were turbulent, they were also confined by irons to their wrists. They had several meals a day, of all the luxuries that Africa provided, with African sauces, and another meal of pulse: after breakfast they had water to wash themselves with, while their apartments were perfumed with frankincense and lime-juice. Before dinner they were amused, singing and dancing were promoted, and games of chance were furnished them."

Mr. Wilberforce felt what would be the effect of these false statements of the facts of the case, and felt that until the impression made by these statements was removed, the continuance of the slave trade would be inevitable, for it would be supported by public opinion. He invoked the assistance of the House of Commons first to remove the film from the public mind by hearing counter-evidence; and in that counter-examination it appeared, that the meal of pulse, of which Mr. Norris spoke, was a meal of horse beans.

"'The song and the dance, said Mr. Norris, are promoted. Mr. Wilberforce said, it would have been more fair if he had explained in what way they were promoted. The truth was, that, for the sake of exercise, these miserable wretches, loaded with chains, and oppressed with disease, were forced to dance by the terror of the lash, and sometimes by the actual use of it. 'I,' said one of the evidences, 'was employed to dance the men, while another danced the women.' What, then, was the meaning of the word 'promoted?' And it might be said with respect to the African sauces being provided, and all the delicacies of African luxury, that it was proved in evidence that an instrument was sometimes carried out in order to force the slaves to eat. That was evidence how much they enjoyed themselves. As to their singing, what should they say when told that their songs were those of lamentation on departing from their native land, and that while singing they were always in tears, so much so, that one of the captains threatened one woman with a flogging, because her song was too painful for his feelings?'"

Such was the counter evidence that had been produced; and could it be said, that every slave-captain whose cruelties had been denounced, would have had a right to take proceedings in every court of quarter sessions in the kingdom against the House of Commons? Then, again, with respect to abuses in India. Did the House believe, that Warren Hastings would have been impeached — that the abuses in that part of our possessions would have been controlled, had it not been for the publication of evidence? What would have been said if, when Mr. Dundas, before the memorable impeachment of Warren Hastings, brought his folio volumes before the House, and moved for the appointment of the Indian committee, if the doctrine had been maintained: "No abuse relating to India must be brought forward, because every person concerned or implicated would have his right of bringing an action of libel, and that he had as much right of bringing his action against the printer of this House as against any other individual?" Again, did the House believe, with respect to the proceedings in the case of the Duke of York, that the people and the military would have acquiesced in the temporary suspension of a favourite commander-in-chief, and a Prince of the blood royal, if it had rested upon the mere declaration to them, "We petition for the removal of this illustrious individual, and yet we cannot tell you the reasons for our proceeding?" It appeared to him, that it would be a suspension of all their powers and functions as a legislative assembly, unless they were to retain this important and indispensable privilege. There was no one question of great public importance, which, as far as he recollected, had not been carried in the first instance by the free publication of the proceedings of Parliament. Free publication tended not merely to increase the facilities of effecting great democratic changes, but might often be absolutely necessary to enable those who were adverse to such changes being made precipitately, to gain that influence upon the public mind which was favourable to their views, and to be obtained only by the diffusion of correct information. Therefore upon the second point—that the privilege of free publication was necessary for the proper discharge of the functions belonging to the House of Commons—whether he looked simply to the act of legislation, or to the power of the House to inquire into the conduct of the trustees of official authority, or to the grant of immense sums of the public money for the purpose of wiping out a blot upon the national honour, he could not conceive how a legislative act of great importance could be passed—nor how the conduct of an official authority could be inquired into—nor how the public could be reconciled to the payment of enormous sums of money, unless the House were enabled, and enabled at its own discretion, to enlighten the public mind without the fear that its officers should be punished. He therefore came to the conclusion upon this second point, that the privilege of free discussion was necessary for the "energetic discharge of their duties." He now came to the third point: Had they sufficient security for the proper exercise of that privilege and the continuance of it, unless they could vindicate it by their own laws? Here again he referred in the first instance, not to the opinions of the House upon the point, but to the opinion of the judges; and he found, that the judges admitted, that the House of Commons had the privilege of publishing for the use of its own friends. That privilege was conceded to them. He found too, that his hon. Friend who spoke last was disposed to contend for the existence of this amount of privilege. Let him ask, then, how was the House to maintain it? The judges admitted, that they had the privilege o publishing for the use of their own friends. On what security did that privilege stand? Supposing the judges questioned it? Should the House plead? If they pleaded and were over-ruled, were they to submit? If they did not submit, what should they do? When were they to interfere? When were they to assert their privilege? When were they to take steps to maintain it? Here was an acknowledgment of privilege to a certain extent: suppose it were questioned? Suppose it to be brought under the cognizance of one of the courts of law: the judge admitting the privilege to a certain extent might still impose a limit upon it: he might say, "Here is a publication which the House of Commons is privileged to print, but at the time that it was ordered to be printed, or during the time that the matter to which it relates was discussed, all the Members of the House were not present; many of them even were not in town; therefore I really do not see the necessity for printing 658 copies. I think, that the number of copies ordered to be printed ought to be restricted to the number of Members who actually attended." Suppose again, the judge or judges were to say, "It is very true, that the Scotch judges are in the habit of taking home a larger number of papers to consider at their leisure; we will concede to you, the Members of the House of Commons, who have been constant in your attendance, the same right; but we doubt the propriety of extending it to those Members who are absent from town." Supposing such a ground to be taken, what were the House of Commons to do? Should they acquiesce?

Should they say, "The law is supreme—privilege shall not be opposed to law." They might say that on precisely the same ground as that upon which they were now called upon to acquiesce in the amendment of the hon. and learned Gentleman. The question was whether the privilege of the House of Commons was a part of the law of the land. It was conceded that the privilege of the House was a part of the law; but then it was said, that the judges were the only interpreters of it. No resolution of the House, it was said, could contravene the law of the land. But he was assuming the case of a privilege which the House actually possessed being attacked by a court of justice, and in such a case he enquired, "How is the House to proceed to vindicate its privilege?" Should they acquiesce in the decision of the court of law; or, feeling the necessity of resistance, should they determine to oppose it. If they determined to resist, could they do so in any other mode than that which they had adopted in the present instance?" They first of all presumed that the court of law would be in their favour; therefore they pleaded; subsequently, finding that the court was adverse to them, they determined in the second instance not to plead. Discovering in the end that the court was still against them, the question was whether they were tamely to acquiesce in a decision which would be fatal to a privilege which other judges had admitted; or whether, in the last resort, they should come forward and say, not that they would increase a power that could in any sense be deemed unnecessary, but that they would omit no opportunity of marking their sense of a privilege which they were admitted to possess in their own inherent right, and that they would not fail to exhaust every method of defending and maintaining it. For his own part, he thought that the latter was the only proper and becoming course for the House to pursue. Because, even if they should ultimately fail, and be called upon to consider other alternatives, they would then at least stand in this less humiliating position—that they had not tamely submitted nor lightly abandoned a privilege which they felt to be essential to the proper discharge of their functions as a legislative body. No, the duty of the House was to fight the battle to the last; and then, if they were ultimately overcome, they could appeal with a good grace to the authority of the state for that permanent protection which the law as it now stood would not afford them. He could not conceive what other course the House could pursue in a case were one of its undoubted privileges was assailed. But supposing that they were to recede upon that occasion—supposing that they were to acquiesce in the decision of the Court of Queen's Bench, he could not convince himself that, by such acquiescence, they would get themselves out of the difficulty. He took the position of the highly respectable judicial authorities who had decided against the House in the present instance; and he found that while they admitted that the House had the privilege of publication for the use of its own Members, they still fettered the exercise of that right with such restrictions as would inevitably tend to bring the House in conflict with the Courts of law. Upon this point he wished the House to remember that the question of the sale of parliamentary papers was entirely beside the subject. He begged hon. Members not to allow their minds to be influenced by any consideration of that question in connection with the point he was bringing under their notice. He prayed them not to be guided in their decision by any sort of prejudice on account of their being sellers of books. That was a question still open to discussion, and he reserved to himself the right of hereafter determining whether, in prudence and policy, it might not be well for the House to rescind the order authorizing the sale of papers. That, however, was a question entirely independent of the point now under consideration; and he would quote high authorities to show that it was so. Lord Denman says:

> "In the first place I would observe that the act of selling does not give the plaintiff any additional ground of action or redress at law beyond the act of publishing. The injury is precisely the same in its nature, whether the publication be for money or not, though it may be much more extensively injurious when scattered over the land for profit."

So that the House would not advance one single step in point of law if they were that night to resolve that the order authorizing the sale of papers should be rescinded. He was perfectly ready to admit that, by rescinding the order, they would remove some unfavourable impressions in the public mind as to the right of sale; but they were now in collision with a court of law, and he was showing, upon the authority of Lord Denman, that that collision could not be avoided, even if the order authorising the sale of papers were at once rescinded. As he had already stated, the judges admitted that they had the right of publication for the use of their own Members. Now, if that meant any thing at all, it meant that a publication made for their own use was a privileged publication. It could have no other meaning. But were they to acquiesce in the construction which the judges had put upon the law? If they did so, he thought they would at once be involved in enormous difficulties. Take, again, the instance of the 20,000,000*l.* voted for the emancipation of the negroes, and suppose this case:—He as a Member of the house of Commons, was in possession of all the papers relating to that matter. He had the dispatch of Mr. Huskisson relating to the cruelties practised upon female slaves —he had all the evidence which had operated to remove from the public mind the prejudices that had previously existed in favour of slavery—he was in possession of all the facts which had brought the House properly to appreciate the horrors of slavery, and determined them to pass a law for its abolition. He had voted for the grant of 20,000,000*l.*, by which the emancipation of the slaves was accompanied. He returned to his constituents, and was questioned by them as to the voting of so large a sum of the public money. According to the construction put upon the law by the judges in the present instance, he, under such circumstances, though he was permitted to possess the evidence himself, would have no right to make it known to his constituents in order to justify his vote, or to explain the grounds upon which he had assented to so large an expenditure of the public money. Questioned upon the hustings by his constituents—having the volume of evidence in his hands—himself possessed of all the facts which induced him to regard the horrors of slavery as an intolerable evil, and a blot upon the honour of the nation—still, according to the construction of the judges, he was not at liberty to refer to one single page of the privileged volume, nor to adduce from its contents one single fact to explain his vote, and satisfy the minds of his constituents. For it was expressly laid down, apparently by the concurrent authority of all the judges of the court, that he, though possessed of these papers for his own use, was not entitled to disclose one tittle of their contents to any other person. Mr. Justice Littledale says—

> "It is said that it is proper that the Members of the House should have the right to send copies of all the parliamentary papers to their constituents, to justify themselves in case their constituents should find any fault with their conduct in Parliament. If the Member whose conduct is blamed by his constituents wishes to vindicate his conduct, he may send what parliamentary papers he pleases, provided they do not contain any criminatory matter of individuals."

Observe, that restriction involved the whole case. The decision of the court did not turn upon the point that he (Sir R. Peel), as a Member of the House of Commons, had no right to instruct Mr. Hansard to publish certain papers; but the judges expressly declared it to be their opinion, that the publication which he possessed as a Member of the House, was privileged only for his own use, and that he had no right to send it to his constituents to justify his conduct, unless it happened to contain no matter criminatory of individuals—a privilege hardly worth contending for. Mr. Justice Littledale continued his judgment in these terms:—

> "I think it can never be considered as justifiable in a Member of Parliament to publish defamatory matter of other persons to justify his own conduct in Parliament."

Then he could not publish any matter of accusation that might be made in the course of a parliamentary inquiry against a public officer. He (Sir R. Peel) as a Member of Parliament had power to address the Crown for the removal of a judge who might be a most popular man, and of very commanding influence in the country. He might exercise his privilege of petitioning the Crown for the removal of such a man, but he was not at liberty to say a word as to the grounds upon which he did so, lest he should disclose defamatory matter against him. Mr. Justice Patteson entertained precisely the same view; but he would refer again for a moment to the opinion of Mr. Justice Littledale, who said:

> "The privileges of Parliament appear to me to be confined to the walls of Parliament for what is necessary for the transaction of the business there, to protect individual Members, so as that they may always be able to attend their duties, and to punish persons who are guilty of contempts to the House, or against

the orders and proceedings or other matters relating to the House, or to individual Members in discharge of their duties to the House and to such other matters and things as are necessary to carry on their Parliamentary functions, and to print documents for the use of the Members. But a publication sent out to the world, though founded on and in pursuance of an order of the House, in my opinion become separated from the House; it is no longer any matter of the House, but of the agents they employ to distribute the papers; their agents are not the House, but in my opinion they are individuals acting on their own responsibility, or other publishers of papers."

What a mockery was this! The Speaker, in the exercise of an admitted privilege, ordered Mr. Hansard to do a certain act, which could only be done out of the walls of Parliament, and the moment that Mr. Hansard set to work to execute that order, the privilege of the House was lost, and its agent liable to be punished by a court of law. If that were so—if that were the conflict in which they were next to be engaged, it was plain that they would very shortly be involved in a situation of as much difficulty as that in which they now stood. Was it fitting, then, that they should acquiesce in the construction which the judges had put upon the law? Mr. Justice Patteson went, he thought, one step further either than Lord Denman or Mr. Justice Littledale. Mr. Justice Patteson said:—

> "It is said, that if papers, however defamatory, must needs be printed for the use of the Members, as it is plain they must, and the point is not disputed, their further circulation cannot be avoided; for what is to be done with the copies upon a dissolution of Parliament, or upon the death or retirement of a Member? The answer is obvious; the copy of such defamatory matter ought to be destroyed, as it can no longer be used for the purpose for which it was intended; or at all events it must not be communicated to others."

Now he would take the case of the last Speaker of the House, Lord Dunfermline, who had probably retired with a large mass of Parliamentary papers; if Lord Dunfermline made use of any one of those papers he would be liable to an action of libel. Lord Dunfermline's papers—the papers which had accumulated on his hands while he was Speaker of the House of Commons, were now no longer privileged; they lost their character of privilege as soon as the noble Lord ceased to be a Member of the House of Commons. And Lord Dunfermline would be responsible, not only to the Court of Queen's Bench, but to any court of quarter sessions in the kingdom, if he presumed to make use of any one of those papers. Suppose, again, that a Member of the House should die possessed of a great number of these papers. Suppose, for instance, that he should leave behind him the whole of the parliamentary papers upon the subject of the foreign slave-trade, in which his hon. Friend the Member for the University of Oxford took a warm interest. Those papers were full of libels upon individuals—libels upon persons in this country — libels upon foreigners. Now, if, after the death of the Member, these papers should obtain any kind of circulation, or should simply pass from the deceased Member's library into the possession of any other person not a Member of the House, he (Sir R. Peel) apprehended that, according to the construction put upon the law by the judges, any foreigner whose conduct wes reflected upon in any part of these papers would have a right to bring an action for libel, and to recover damages. What was to become of the bookseller who should happen to sell any of these papers. The moment that the Member died, the papers ceased to be privileged—who then would dare to touch them. No man could presume to do so; no man could take them to himself; or, at all events, no man could undertake to sell them without rendering himself liable to an action. Mr. Justice Patteson further said,

> "Whether any individual Member might or might not be justified in communicating to some persons out of the House defamatory matter printed for the use of the House, I cannot pretend to say. Probably, upon any such question arising, the decision will be with a jury."

Therefore he contended, that if the House were to acquiesce in the decision of the court, that the publication for the use of Members was privileged; but that the use of the publication by Members for the information of their constituents, subjected them to an action of libel; if the House acquiesced in that decision, he (Sir R. Peel) maintained, that the functions of the House of Commons, as a branch of the legislature, would be paralysed; they would at once become unfitted for the due discharge of their duties as the representatives of the people and the framers of laws, unless indeed they were to act upon ignorant first impressions instead of upon those sound opinions which resulted from inquiry and the dissemination of correct information. He came now to a part of the question upon which much ridicule had been thrown—namely, that the House of Commons was the judge of its own privilege. Upon that point he should refer not to the authority of Members of the House itself, although he might quote the opinions of many of great eminence, but to the dicta of the highest judicial authorities, who at different times had been called upon to deal with the question as it arose in the courts of law. He would show that the doctrine, that the House was the judge of its own privilege, much as it was now sneered at, was a doctrine that had received the sanction of the highest judicial authorities in the land. The Attorney-general, in his very able speech, had referred to many of those learned and eminent authorities, but with the permission of the House, he (Sir R. Peel) would refer to a few more. Mr. Justice Wright held this doctrine:—

> "The House of Commons is undoubtedly a high court; and it is agreed on all hands, that they have the power to judge of their own privileges."

In Murray's case a writ of *Habeas Corpus* was applied for to bail a person committed for contempt by the House of Commons, and refused, — Mr. Justice Wright observing, that it never could have been the intent of the *Habeas Corpus* Act to give a judge in the court power to judge of the privileges of the House of Commons. Mr. Justice Dennison held precisely the same doctrine. Both those learned judges expressly admitted not only that the House had power to commit for contempt, but that it was the judge of its own privileges. What did these learned judges mean when they made that admission? And how could their opinion upon these points be made to correspond with the doctrine now laid down—that the House of Commons upon this matter of privilege must submit to the superior authority of the courts of law? Chief Justice De Grey held that the law of Parliament was the law of the land.

> "When the House of Commons," said he "Adjudge anything to be a contempt or a breach of privilege, their adjudication is a conviction. This court cannot take cognizance of a commitment by the House of Commons, because it cannot judge by the same law; for the law by which the Commons judge of their privileges is unknown to us. Courts of justice have no cognizance of the acts of the Houses of Parliament, because they belong *ad aliud examen.*"

Mr. Justice Gould concurred in the opinion expressed by the chief justice. Mr. Justice Blackstone also held, that the House of Commons was the only judge of its own privileges. In Crosby's case, Mr. Justice Blackstone said, that—

> "Holt differed from the other judges on the point of the House of Commons being the only judge of its own privileges, but that the courts must be governed by the eleven, and not by the single one.'

It was, perhaps, unnecessary to detain the House by referring to other authorities. It was enough to state, that the doctrine, that the House was the only judge of its own privileges, absurd and ridiculous as it was now held to be, was a doctrine which in the best times of legal and judicial learning had received the sanction of the highest judicial authorities. He must say further, that fortified by such authorities, he could not consent lightly to abandon a privilege which he believed in his conscience they properly and rightfully possessed—which he believed to be essential to the maintenance of their usefulness, and which he could not hold to be secure if every court, from the Queen's Bench down to the lowest tribunal, civil or criminal, in the country, could entertain an action for libel brought against an officer who had only obeyed the order of the House. The judges in the present instance said, that the Speaker of the House of Commons was free from question, and that a court of law would not interfere with him. He asked why they did not interfere? Upon what statute was the Speaker's indemnity founded? Was not the Speaker's right, the Speaker's privilege, as much interfered with if the poor instrument employed to execute his order, in the performance of that duty, were liable to be dragged into court, and to be ruined by actions at law? Was not the Speaker's right or the Speaker's privilege as much interfered with by such a proceeding as if the effort were made to bring him into court himself? Whilst such a state of things was allowed to continue, it was a mere pretence to say that the Speaker's right was respected—an idle mockery to contend, that the

Speaker's authority was not wholly disregarded. I do not conceal from myself, said the right hon. Baronet in conclusion, the fact that we have great difficulties to contend with. It is with pain I come to the determination of entering into a contest with the courts of law. You may tell me, that there are processes by which the payment of the money may be ultimately enforced in the courts. I admit the strength of the reasoning, and the authority conveyed by the experience of those who urge such a view, but this I say, with a perfectly safe conscience, that every instrument which the ordinary principles of the constitution sanction, an overpowering sense of duty urges me to use, before I seek for the solution of our present difficulties in the surrender of our privileges. An attempt to remedy this evil by legislation may be made only when the other means within our power are exhausted. I have heard it said, that the House of Commons has not that influence on the public mind that it once had, and that we look in vain for the sympathy of the public in our attempt to vindicate our privileges. That may be. The prediction so confidently made, that the great measure for altering the constitution of this House would conciliate public opinion, may be unfounded. I was no party to that change. I confess I expected its failure. It may be, that we are inferior to the great men who have sat within these walls in former periods. But I say, if by our inferiority, and degeneracy, we have prejudiced the character of the House, and diminished its influence with the public, we ought not to make that a reason for depriving it of that essential power which inheres in so noble an institution. Whatever may be our inferiority, we should feel we are but the tenants of a day—the fleeting occupants of the noble fabric, and the very circumstances of our tenure form additional reasons why with a kind of filial reverence we should prevent, if we can, a permanent injury from being inflicted on it during our temporary occupancy. But I say more, that no public object can be gained by the mutilation of our privileges. If you can once show a chasm in the building, and can say, "there once stood the House of Commons," depend upon it the void will be filled by a combination of turbid elements, acknowledging no respect for authority, observing no reverence for prescription, usurping the powers of the other branches of the Legislature, and defending the possession of those powers by means worthy of such usurpers. Sir, I shall conclude my vindication for having so long occupied the time of the House by an extract from a speech delivered by Mr. Crewe at an early period of our history, when the liberties of the House of Commons were threatened. Mr. Crewe, in encouraging the House to preserve its privileges, said in simple but emphatic language:—

> "I would not have spoken about our privileges, if the thing questioned were only matter of form, and not of matter; but this is of that importance to us, that if we should yield our liberties to be but of grace, these walls that have known the holding of them these many years, would blush; and therefore we cannot, in duty to our country, but stand upon it, that our liberties and privileges are our undoubted birthright and inheritance."

The House divided:—Ayes 205; Noes 90: Majority 115.

List of the AYES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Colonel
Archbold, R.
Bailey, J.
Bainbridge, E. T.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blennerhasset, A.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. G. H.
Chester, H.
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Viscount
Clerk, Sir G.
Collier, J.
Collins, W.
Colquhoun, J. C.
Courtenay, P.
Craig, W. G.
Currie, R.
Curry, Serjeant
Dalmeny, Lord
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Dunbar, G.
Dundas, C. W. D.
Dundas, F.
Easthope, J.
Eliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Erle, W.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Ewart, W.
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
Freemantle, Sir T.
Gillon, W. D.
Gisborne, T.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, H.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.

Hardinge, rt. hn. Sir H.
Harland, W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Holmes, W,
Hope, hon. C.
Howard, F. J.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
James, W.
Jervis, J.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, rt. hon. S.
Mackenzie, W. F.
Macnamara, Major
Mashall, W.
Martin, J.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conner Don
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker J.
Parker, M.
Parker, R. T.
Patten, J. W.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sanford, D. A.
Scholefield J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sinclair, Sir G.
Slaney, R. A.
Smith, B.
Smith, G. R.
Speirs, A.
Standish, C.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sutton, hon. J. H. T. M.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Maule, hon. F.
Stanley, hon. E. J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Baring, hon. W. B.
Bateson, Sir R.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Christopher, R. A.
Chute, W. L. W.
Cole, Viscount
Conolly, E.
Corry, hon. H.
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Duncombe, hon. A.
Eaton, R. J.
Egerton, Sir P.
Elliot, Lord
Fielden, W.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Goring, H. D.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Halford, H.
Hamilton, Lord C.
Herries, rt. hon. J. C.
Hogg, J. W.
Hope, G. W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Serjeant
James, Sir W. C.
Jones, J.
Kemble, H.
Knatchbull, right hon. Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, rt. hon. T.
Liddell, hon. H. T.
Litton, E.
Lowther, J. H.
Lygon, hon. Gen.
Mahon, Lord
Maxwell, hon. S. G.
Nicholl, J.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Pattison, J.
Perceval, hon. G. J.
Pigot, D. R.
Plumptre, J. P,
Polhill, F.
Powerscourt Lord
Praed, W. T.
Pringle, A.
Richards, R.
Round, J.
Rushbrooke, Colonel
Shirley, E. J.
Stormont, Viscount
Style, Sir C.
Sugden, rt. hn. Sir E.
Talfourd, Serjeant
Thompson, Alderman
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Wood, Sir M.
Wood, Colonel T.

TELLERS.

Kelly F.
Godson, R.

Lord *J. Russell* moved that the sheriffs be ordered to pay over the money in their hands to Messrs. Hansard.

Captain *Boldero* said, Mr. Stockdale, the prisoner, had entrusted him with a most respectful petition, praying to be heard at the bar. Here was a poor man, who had borrowed a coat to appear at the bar, and who yet obtained a verdict in the face of all the means which the law officers could bring against him. His case must be a sound one when he obtained a verdict under such disadvantages. He moved as an amendment, that Mr. Stockdale be called to the bar.

Mr. *Wakley* put it to the hon. and gallant Member, whether he was not injuring the case of the petitioner by pressing it at such an hour of the morning, when in all probability Mr. Stockdale was in bed? Besides, this course tended to prejudice the House against Mr. Stockdale, to whom he was sure they were desirous of giving every fair opportunity to vindicate himself.

Lord *Mahon* requested his gallant Friend to withdraw his amendment.

Amendment withdrawn.

The House divided on Lord John Russell's motion:—Ayes 197; Noes 85: Majority 112.

[We do not repeat the lists, as both divisions were similar, but thirteen Members less voted on the second than on the first division.]

Lord *John Russell* then moved, that the Sheriffs be called in, and the Speaker directed to read to them the resolutions of the House, and to ask them whether they had anything to say concerning the resolutions.

Mr. *Kelly* asked, whether no time would be allowed to consider what course they should pursue, or to take the advice of counsel.

Mr. *Law* wished to ask the noble Lord, whether, in the event of the sheriffs refusing to pay over the money to Messrs. Hansard, notwithstanding the resolution of this House, assigning as a reason, that they believed they were compelled by law to obey the Queen's writ issued by the Court of Queen's Bench, and that they were bound by oath to abide by the direction of that court; whether, after making such a statement, it was the intention of the noble Lord to proceed to extremities against those parties, by ordering them, for not doing what was contrary to their oaths or their duty, into the custody of the sergeant-at-arms?

Lord *John Russell:* I explained my views with regard to the sheriffs in what I addressed to the House at the beginning of the evening. I explained, that the course I thought it necessary to pursue would not be a course with regard to the views, or notions, and feelings of duty which the sheriffs might entertain, but with regard to what was most consistent with the privileges of this House, and with the maintaining of those privileges.

Question agreed to.

The sheriffs were accordingly brought by the sergeant-at-arms to the bar of the House, dressed in their scarlet robes. Having bowed respectfully to the House,

The *Speaker*, calling the sheriffs by their names, communicated to them the resolution which the House had come to; and said, I am further to acquaint you, that if you have anything to state to the House, the House is now ready to hear you.

The sheriffs bowed, and retiring a few paces, bowed again to the Speaker, but neither of them said a word.

The *Speaker :* You may withdraw.

Lord *John Russell:* I confess I think, that the House has but one course to pursue upon this occasion. It appears to me, that the sheriffs in proceeding in contempt of the privileges of this House to seize the goods of the servants of this House, namely of Messrs. Hansard, and having sold the goods and retaining the money in their possession, contrary to the privileges of this House, committed an offence—that which the House has now by its resolution declared to be an offence—upon which the House would have been fully justified in proceeding at once to commit them to the custody of the sergeant-at-arms. I confess, however, that after proposing the course I did propose, they should be ordered to refund the money to Messrs. Hansard, and in desiring that the Speaker should read the resolution of the House to them, giving them an opportunity to say anything in their own justification to the House; after their having been summoned since last Thursday to appear at the bar of the House, and of course, after having had frequent consultations with those whom they thought were best calculated to advise them, I did think they would have so far purged themselves of the contempt as to declare their willingness to act in obedience to the orders of this House, as signified to them by the Speaker. There was one part of the case concerning which at an earlier stage of these proceedings there appeared to be some doubt, or ambiguity; though with the notions I entertain of the privileges of Parliament there was not much doubt with me, yet there seemed to be some doubt upon the mind of the under-sheriff, who was the legal adviser of the sheriffs, whether a paper sent to him by a solicitor containing certain resolutions of the House of Commons was an authority which he could properly consider equivalent to the authority of the House itself. But this doubt can no longer exist. The sheriffs have now heard the resolutions entered into by the House, after considerable debate, read to them by the Speaker from the chair, and all doubt upon that subject, if they had any doubt upon it, must be at once at an end. Therefore, as they had not expressed their readiness to concur with the order of the House, as it has been suggested to them, it appears to me, that we can do no otherwise than proceed upon the breach of privilege which they have committed. I shall therefore move, that the sheriff of Middlesex, having been guilty of a breach of the privileges of this House, be committed to the custody of the sergeant-at-arms.

Mr. *Law* said, that as far as he was able to collect from the reading of the resolution of the noble Lord, he was about to follow up the two resolutions which had been already submitted to the House, one of them indeed pointing to the sheriffs, but not naming them, complaining of the execution levied on the goods of Messrs. Hansard, in contempt of the privileges of the House, and the other suggesting that an order should be made upon the sheriffs to pay over the money which they now held in their hands as money belonging to the plaintiff in a cause, which was to be paid by the order of the court to the plaintiff, should be paid to the defendant instead of the plaintiff. The noble Lord having called the sheriffs to the bar had, through the Speaker, acquainted those public functionaries with the resolutions, which in their absence had been taken by the House. He was indeed surprised to learn from the lips of the noble Lord that the opportunity afforded by calling them to the bar was in expectation that they were about to make concessions to the House, and to declare their readiness to comply with what he would, with all deference, call one of the most unlawful orders that ever was made. The noble Lord was a great stickler for the privileges and free elections of the people. Of what materials did he suppose the sheriffs, who were elected by the citizens of London, to be, if they were expected to be cowed by such an order as this, and to prostrate themselves before what they believed to be an usurped authority on the prerogative of the Crown? It had been contended throughout this debate that unless they were sound in the principles embodied in their resolutions, they were acting contrary to the law, even the law of Parliament; and, after the debates that had occurred, it would be but a sorry argument to the public that, by numbers only, her Majesty's Ministers had prevailed against the reasoning body. *(Laughter).* Are those party cheers for a purpose. They have as little effect upon me as your empty authority in this matter has upon the sheriffs; but I will stand here and say that had they the weakness, I had almost said the wickedness, to comply with it, they would be wholly unworthy of the trust as well vested in them by the Crown as by those who have elected them to their high and independent office. They had functions to discharge in relation to the most important portion of the people—the juries of this country. He was surprised that the noble Lord, administering as one of the Ministers of the Crown in that House her Majesty's Government, should counsel Gentlemen to be so forgetful of their duty to their Sovereign, and their obedience to the law, let alone their oath of office; and if he were surprised at the advice given by the noble Lord, what could he think of the learned Gentleman the Attorney General, the sworn officer of the Crown, advising another sworn officer of the Crown to heed not his oath. Did the House think that a threat would operate on the nerves, when it failed to operate on the understanding? He had no communication with the distinguished persons who had been at their bar, but if he had not mistaken the character, the independence, and the integrity of those gentlemen, he should think that they were incapable of yielding. What! make an order in the in the cause of Stockdale *v.* Hansard, that the money which they had received for the plaintiff should, in violation of their oaths, be kept from the plaintiff, and endeavour to gain it by duress! He would give them different advice.

Sir *R. Inglis* said, that this was the first occasion that this House had ever assumed the character of a judicial court, exhibiting as little of its spirit as he had ever witnessed. The sheriffs of London were bound to obey the law; they had told the House on Saturday that there was not one word about the House of Commons in the oath which they had taken, and did the House mean to say that they should be called upon directly to forswear themselves? These gentlemen had sworn to obey the law, and he would ask what it would be but perjury, if individuals having so sworn should obey the authority of the House, and not the

Queen's writ? He defied any casuist to come to any other conclusion than that it would be direct perjury, if, having taken an oath to obey one authority, they should disobey that authority and obey another? The contest now began; and he told the noble Lord and those in that House who supported him, that he would exhaust his patience and the patience of many who sat near him before he would consent to institute what he called a most despotic and tyrannical proceeding. He wanted words to express his indignation. The claim of the majority was not against one law alone, but against the whole system of the law of this country; and upon that majority be the guilt and the responsibility.

Sir *E. Knatchbull* wished to ask the noble Lord a question. The proposition then before the House was that the Sheriffs of Middlesex should be committed to the custody of the Sergeant at Arms for a breach of the privileges of that House. When that was done, the Speaker must sign his warrant, and he had no doubt, that in the warrant the noble Lord would take the advice which had been given to him upon the late occasion, and would fail to insert the cause. The question, therefore, which he wished to ask was, whether the commitment which the noble Lord proposed was in consequence of any breach of privilege committed in seizing the property in the cause of Stockdale *v.* Hansard, or whether it was founded upon the resolution of the House which had been communicated to them, that they should forthwith pay the money to Messrs. Hansard? If it was upon the latter ground, he took the liberty of reminding the noble Lord that all that had passed was, that the resolution of the House had been read to the sheriffs.

Lord *J. Russell* thought that he had sufficiently explained the matter when he had proposed the present proceeding. He had stated that he conceived, in their proceeding in seizing the goods of Messrs. Hansard, as he believed illegally, the sheriffs had committed a breach of the privileges of that House. He had been anxious, as far as possible, seeing the embarrassment which they must be under in a question of difficulty coming before them which had not arisen for many years—he was anxious to avoid any extremity of this nature, and to give the sheriffs the opportunity of setting themselves right with the House. But the breach of privilege which they had committed was the breach in taking the goods of Messrs. Hansard, and in depriving the servants of that House of their property. He had heard the hon. and learned Member for the University of Cambridge, and another hon. Member, declaim about the laws and the oaths of the sheriffs, but the question was, what was the law? His hon. and learned Friend the Attorney-general, and his other learned Friend, the Solicitor-general, who were supposed to know something of the law, had thought that if, instead of seizing the goods, the sheriffs had made a special return, as in the case of Kensington Palace, they would had acted in more conformity with the law. It was their duty to execute the Queen's writs, but in some cases they did not execute those writs in the cases of privilege, but made a special return, which was quite as consistent with their oaths as seizing the goods. Therefore, the question was, not whether there would arise any violation of the laws and of oaths, but whether the laws and the oaths would not be preserved. And he would only say in addition, that he would think worse of the sheriffs if he took the description of them from the hon. and learned Gentleman opposite; if, instead of saying that if they had incurred the displeasure of the House they were sorry that they had offended, they had set themselves up against the authority of the House of Commons as an usurped authority, he would have been disposed to deal more harshly with the sheriffs than he now was. As the case stood at present, he would think that if the House proceeded to commit them, further reflection on the resolutions would make them think that obedience to the writ might be yet proper, and he hoped that they would not take the hon. and learned recorder for their counsel.

Mr. Sergeant *Jackson* rose to move that the House do now adjourn, in the anxious hope that the time which would be thus afforded for temperate reflection would probably induce the House to desist from taking the step proposed by the noble Lord opposite, and which appeared to him (Mr. Sergeant Jackson) one of the most harsh and most unjust proceedings that had ever been taken by any assembly. Was it becoming in the House of Commons to attack the two respectable functionaries, who had conducted themselves in such a praiseworthy manner, and had merited nothing but the approbation of the noble Lord himself? Was it becoming in the House to attack the officers in the same manner as those who had set in motion the machinery of that law of which they were the officers? Why was it that the House before abstained from pronouncing an order, that the sheriffs should be committed to the custody of the sergeant-at-arms? It was because they felt, that they were mere Ministerial officers. What was the sheriff of Middlesex? Could they have refused to do that which they had done? If they had refused to execute the writ and to pay the money to the plaintiff, there must inevitably have been an attachment issued. With regard to the special return to which the noble Lord had alluded as being recommended by the learned Attorney and Solicitor Generals, he begged to say, that he was satisfied, that on the law of the case no such ground as that suggested existed, and that no return could be made. The noble Lord, the Member for Northumberland, had said, in the course of the debate, that no Gentleman on that side of the House had risen in his place and endeavoured to sustain the judgment of the Court of Queen's Bench; but he believed, that he spoke the sentiments of nineteen out of twenty of the lawyers in Westminster Hall, when he said, that that judgment was good law; and he could further say, that his learned Brethren on the other side, if they might be permitted to form an opinion, having read the case, were also of opinion, that the judgment was well founded, and was good law. The order which must be made, he supposed would be, that the money should be paid over to the defendant; but the Court of Queen's Bench had given their opinion, that this was an unjustifiable libel on Mr. Stockdale, and how could the law thus return the damages which had been assessed and levied to the man who was the convicted libeller? He concluded, therefore, by moving, that the House do now adjourn, trusting, that they would then have recovered their senses, without taking a step which appeared to him to be gross injustice.

The House divided on the adjournment: Ayes 86; Noes 189: Majority 103.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bateson, Sir R.
Bentinck, Lord G
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Christopher, R. A.
Chute, W. L. W.
Cole, Viscount
Conolly, E.
Corry, hon. H.
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Duke, Sir J.
Duncombe, hon. A.
Eaton, R. J.
Egerton, Sir P.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir R. S.
Goring, H. D.
Greene, T.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Herries, rt. hon. J. C.
Hogg, J. W.
Holmes, W.
Hope, G. W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
James, Sir W. C.
Jones, J.
Kelly, F.
Kemble, H.
Knatchbull, rt. h. Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, rt. hon. T.
Litton, E.
Lowther, J. H.
Mahon, Viscount
Maxwell, hon. S. R.
Nicholl, J.
Ossulston, Lord
Packe, C. W.
Packington, J. S.
Pattison, J.
Pemberton, T.
Perceval, hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Richards, R.
Round, J.
Rushbrooke, Colonel
Sibthorp, Colonel
Stormont, Lord
Style, Sir C.
Sugden, rt. hn. Sir E.
Talfourd, Sergeant
Thompson, Alderman
Verner, Colonel
Vivian, J. E.
Williams, R.
Wood, Sir M.
Wood, Colonel T.

TELLERS.

Baring, hon. W. B.
Godson, R.

List of the NOES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Colonel
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Campbell, Sir J.
Cavendish, hon. G. H.
Chester, H.
Chichester, J. P.
Childers, J. W.
Clay, W.
Clements, Viscount
Clerk, Sir G.
Collins, W.
Courtenay, P.
Craig, W. G.
Curry, R.
Curry, Serjeant
Dalmeny, Lord
Divett, E.
Donkin, Sir R. S.
Duff, J.
Dunbar, G.
Dundas, E. W. D.
Dundas, F.
Dundas, hon. J. C.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Evans, Sir De L
Ewart, W.

Finch, F.
Fleetwood, Sir P. H.
Fremantle, Sir T.
Gillon, W. D.
Gisborne, T.
Gore, O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grattan, H.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Howard, F. J.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, rt. hn. S.
Mackenzie, W. F.
Macnamara, Major
Marshall, W.
Martin, J.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sandford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Sinclair, Sir G.
Smith, B.
Somers, J. P.
Standish, C.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sutton, hn. J. H. T. M.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thorneley, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Waddington, H. S.
Vigors, N. A.
Villiers, hon. C. P.
Viivan, C.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Maule, hon. F.
Stanley, hon. E. J.

Sir *M. Wood* moving, that the sheriffs be allowed until the meeting of Parliament this day to give their answer, whether they will pay the money to Messrs. Hansard, pursuant to the order of the House.

Mr. *Godson* reminded the hon. and learned Attorney-general, that in the outset of his speech to-night he had expressed a hope, that the result of the proceedings would be such as to afford the sheriffs the means of making such a statement to the Court of Queen's Bench on the next day, as would induce the court to discharge the rule. He certainly thought the sheriffs ought to be placed in the situation of offering to the Court of Queen's Bench a resolution of that House as their reason for not paying the money to Mr. Stockdale. To commit them till the next meeting of the House would answer no purpose, while it would deprive them of the means of answering in the Court of Queen's Bench. The House would be virtually abandoning its own object, by not acceding to the motion of the hon. Baronet.

Mr. *Hume* thought, that before the House acceded to the motion of the hon. Baronet, they should ascertain whether the sheriffs might not, before the next meeting of the House, be ordered by the Court of Queen's Bench to pay the money to Mr. Stockdale. If there was a probability of that event taking place, as the Attorney-general seemed to consider there was, it would not be right for the House to adjourn without coming to a decided resolution.

Viscount *Howick* suggested, that the proceeding recommended by the hon. Baronet was somewhat irregular. The House had already adjudged the sheriffs to have been guilty of a contempt. Surely to give persons so situated time to consider whether or not they would comply with the orders of the House, was inconsistent with their practice. He believed the rule of both Houses was, that when they had declared, that any party had been guilty of a breach of privilege, that he was instantly ordered to be committed in contempt, and it was only on the petition of the parties, and making amends as far as they could for their offences, that the House was accustomed to adopt the course suggested. He thought, that the course recommended by the hon. Baronet would be irregular, and would tend to lessen the dignity of the House.

Sir *E. Knatchbull* did not think, that the House was now in a position to deal with this matter as an original breach of privilege. They should have done so on Saturday, when the sheriffs were examined, and when they made the avowals which they did at the bar of the House. He hoped, that the majority would not take any step, that would put the House in a worse position than it now was in, for they had not yet received any answer from the sheriffs as to the course they intended to pursue. They had given the Sheriffs but little time for consideration, and there would be an appearance of harshness in their proceedings if they pressed for an immediate answer. The hon. and learned Attorney-general had said, that he believed that the Court of Queen's Bench would be satisfied if it was made clear to them that the sheriffs were only obeying the orders of the House.

The *Attorney General* stated that the right hon. Gentleman had mistaken what he had said. He had observed that he had little doubt that on the court hearing the order and the reasons that the sheriffs had for obeying it, that they would be regarded as sufficient in point of law for not paying the money to Mr. Stockdale. With respect to the present motion, the sheriffs had had an opportunity of purging themselves from the contempt, but they had not availed themselves of the opportunity. Indeed, the sheriffs might show no cause to the rule, and might allow the judgment to be made absolute, without observation, if the House did not interfere. Under these circumstances, he thought that it would be impossible to comply with the suggestions of the hon. Baronet.

Sir *E. Sugden* said, that if the defence of the Sheriffs held good in the Queen's Bench on the order of the House, it must be in the validity of the resolutions of the House, and not merely because the House so ruled. His hon. and learned Friend stated that the sheriffs might not show cause to the rule that had been obtained, and thus the attachment might issue, and the money be obtained; but Mr. France, the very intelligent under-sheriff, whose evidence they all listened to with so much attention on Saturday, distinctly stated that it was intended to do so, and to state to the court all the facts of the case. After this there could be little doubt on the subject.

Sir *T. Acland* said, he had strong feelings inducing him to try and stay some of the mischief they appeared to be about doing. The majority of the House must surely see that there were a number of persons in the minority, who, perhaps, from a want of comprehension of the high position sought for by the majority, could only view the present proceeding as a new step of arbitrary authority by which the House of Commons sought to bend the laws to their own will. Plain men would never be able to understand the principle upon which they were proceeding, and by a perseverance in their present course they would create more dissatisfaction and mistrust than could well be conceived, and eventually Englishmen would no longer look for protection to that quarter upon which for generations they had been in the habit of relying. To ordinary persons it would appear that the sheriffs were acting under the influence of an oath which bound them conscientiously to execute the Queen's writs, and it appeared strange to punish them for the conscientious performance of their duty. They had not been asked, nor at that late hour did he wish that they should be asked, if they intended to pay back the money. On Saturday last, however, he remembered that the noble Lord, after the examination of Mr. France, required forty-eight hours to consider as to the course he should pursue, though he then well knew the course the sheriffs were likely to take in this matter. The House determined to give the noble Lord the forty-eight hours he required; and yet they would not give five minutes' time for consideration to the sheriffs, although it was by the anxiety of the sheriffs to attend to their caution that they were in a position to require the money to be paid back at all; for otherwise it would have been paid long ago. He thought the concession of ten or twelve hours for consideration would be well for the majority—he thought it would be well also for the minority, as well as for the parties before them. If the time proposed for consideration were allowed, anything like factious opposition to the majority would, in his opinion, be little justified, and, at all events, he would be no party to it. But there were many, like himself, who were determined to avail themselves of the protection afforded by the rules of the House, and in that case a few hours would leave them independent of the noble Lord's courtesy.

Adjourned. Sheriffs to attend next day.

HOUSE OF LORDS,

Tuesday, January 21, 1840.

MINUTES.] Bill. Read a second and a third time:—Prince Albert's Naturalization Exhibition.

Petitions presented. By the Bishop of London, from a Parish in Essex, against any further Grant to Maynooth College; also from a place in Gloucestershire, for Church Extension.

CHURCH OF SCOTLAND.] The Duke of *Richmond* presented a petition from persons belonging to the church of Scotland, complaining of the suspension of seven ministers of their church without any apparent cause, and contrary to the wishes of the parishioners among whom they for a long time resided, and by whom they were universally esteemed. It also expressed deep regret at the unhappy occurrences that lately occasioned a collision between the civil and ecclesiastical courts in that country. He would give no opinion at present on this question, but he hoped Parliament would not separate before some measure was passed for its settlement, as considerable excitement prevailed in Scotland respecting it.

Lord *Brougham* entirely agreed in the opinions expressed by his noble Friend. He alluded with pain to transactions which had lately taken place, and which were so discreditable to one part of the empire. He concurred with the noble Duke in thinking that measures should be taken for the quiet of that part of the United Kingdom. But he begged leave to add, distinctly and deliberately—and it was a matter in which, he would venture to say, that there was not one of their Lordships, whatever sect he might belong to, whatever church he might be in communion with, or whatever political party he might adhere to—he trusted there was not one Member of the House who would differ with him in what he was about to assert: that, at all events, until the Legislature interposed—as long as the law of the land remained what it now was, there was but one mode in which the Legislature and that House could suffer quiet to be established, and there was but one course which that House would unanimously expect to find adopted in Scotland—that of respectfully submitting to the decrees of those courts of justice by which the law in question had been unanimously, judicially, and deliberately pronounced. The noble Lord said, that he himself bore a part in that judgment, and if he alone had pronounced it, he would not say a word in its favour. It was a unanimous, clear, and deliberate judgment of the House; and he had expressed his hope, his confident expectation when that judgment was given, that it would be respectfully submitted to by the ministers of a christian church, administering to the spiritual comforts of the people, and superintending their religious and moral instruction in Scotland. He had entertained that hope from all his past experience of the venerable judicature of the Scottish church; but, in that hope, he deeply grieved to say he had been entirely disappointed. He felt another hope, however, in which he took leave to express that he had neither yet been disappointed, nor was he ever, he knew, to experience disappointment—he meant his confidence in the steady and firm determination of the courts of law in Scotland, and of the Supreme Court of Appeal which he had then the honour of addressing to enforce obedience to the law by every legitimate means.

Petition laid on the table.

COPYHOLD TENEMENTS BILL.]—Lord *Brougham*, on moving the second reading of the Bill for the enfranchisement of copyhold tenements, said that there had been three or four hundred divisions of territory, in every one of which property was held by a different law. It was certainly a most anomalous thing, the wonder being, that it should continue to exist. There was no general classification, no systematic arrangement—each territory, each township, each hamlet, had its peculiar law. He knew many cases in this country in which a house was held under one law and the garden under another—nay, even one part of a house which it had been his lot to inherit was held under one law, and another part under another. That, he assured their Lordships, was precisely the state of the law in this country, as far as regarded freehold and copyhold property, up to the very moment at which he was addressing their Lordships. He had stated to their Lordships, the last time he brought the matter before them, the provisions of the Bill. The provisions of the present Bill were the same as those of the Bill of last year. One defect which it was desirable to remedy was, the want of a reciprocal interest between the landlord and the tenant, and the only alteration that had been made in the present Bill had been, that instead of leaving it entirely to the option of the landlord, so that all the tenants together could not enfranchise without his consent, seven or eight clauses had been added, to the effect that in the event of a large preponderance of the tenants of the manor requiring the enfranchisement, the landlord should be bound, with proper power of appeal and proper protection, to give his consent. He had stated last year that that ought to be the frame of the Bill; but upon that, as upon all the other provisions of the Bill, provided they only agreed in the principle that it was fit to give facilities for the removal of this opprobrium on our law, ample opportunity would be afforded in the committee above stairs, to which it was his intention to move this Bill be referred, for discussing all the minor principles, and certainly all and every one of the details. He felt some reluctance in sending the Bill to a committee up stairs, because both Houses were charged with shifting from themselves the responsibility of legislating. They would be liable to this charge if they legislated in accordance with the views of commissioners unconnected with Parliament. He saw no objection, however, to adopting the result of the enquiries of commissioners, provided that measure were introduced on the responsibility of the Government, or of an individual Member. He did not think he should subject their Lordships to such a charge if he referred this Bill to a committee, for the purpose of discussing its details. The noble and learned Lord concluded by moving that the Bill be read a second time.

The *Lord Chancellor* was prepared to agree to the second reading of this Bill, and also to the proposition that it should be afterwards referred to a select committee. The mixed interests of landlords and tenants, and the rights of each under the present law, undoubtedly were productive of great inconvenience. The object of this measure appeared to be to obviate that inconvenience, and therefore it was, no doubt, one deserving the favourable attention of their Lordships. For his own part he should feel it to be his duty to attend to the details of the measure in committee: and he only hoped that the noble and learned Lord who had brought it in would take care to allow full time for its discussion.—Bill read a second time.

HOUSE OF COMMONS,

Tuesday, January 21, 1840.

MINUTES.] Bill. Read a first time:—Designs Copyright.

Petitions presented. By Mr. Mackinnon, from Leamington, against the Constabulary Act.—By Mr. F. French, from the Medical Association of Ireland, for Medical Reform.—By Sir R. H. Inglis, from several places, for Increased Church Accommodation.—By Mr. F. Maule, from a number of places, against the introduction of Ministers into Parishes against the wishes and the will of the Parishioners.—By Mr. O'Connell, from a place in Monaghan County, against the restoration of Orange Domination in Ireland.—By Sir E. Knatchbull, and others, from a number of places, for Extension of the Church of England.

NATURALIZATION OF PRINCE ALBERT.]—Messengers from the House of Lords brought down a bill for exhibiting a bill in the session for the naturalization of Prince Albert of Saxe Gotha, which was read a first time.

On the motion of Lord *J. Russell*, that the bill be read a second time,

Sir *R. Inglis* requested that the noble Lord would state how far the bill was in exact conformity with the Act of Settlement, more especially with respect to the necessity which it imposed that the consort of the Sovereign, whether male or female, should be a Protestant [cries of "*oh, oh,*" and laughter from the ministerial benches] as by law established, and should receive the communion of the Lord's Supper according to the rites of the Church of England.

Lord *J. Russell* replied that the bill he now proposed to read a second time did not at all affect or vary the Act of Settlement, and he could assure the right hon. Baronet, that he should be as unwilling as any hon. Member of that House to propose any change or alteration in that act. The bill provided only for the exhibition of a bill this session for the naturalization of Prince Albert, which secured to him certain rights as a British subject. He did not think that any objection could be taken to pursuing the same course in the case of Prince Albert as had been pursued in the case of Prince Leopold. He wished the bill to be now read a second time, and tomorrow he should propose to carry it through the rest of its stages.

Bill read a second time.

PRIVILEGE — STOCKDALE *v.* HANSARD.] Mr. *FitzRoy Kelly* rose to present two petitions from the sheriffs, the prayer of which was the same, and the hon. and learned Gentleman then proceeded to state the substance of the petition. The petitioners stated that :—

"Your honourable House having resolved, that the petitioners have committed a breach of the privileges of this honourable House, and ordered them to refund the money levied on the goods of the Messrs. Hansard, under a *fieri facias* issuing from the Queen's Bench; and apprehending that this honourable House will proceed to visit them with punishment if they shall not refund that money, your petitioners humbly assure your honourable House that they are deeply sorry that they should have incurred the displeasure of this honourable House."

And they went on to state :—

"They feel it their duty solemnly to assure your honourable House that throughout the the case of Stockdale v. Hansard, your petitioners have acted with respect and obedience to what they had been advised, and verily believed it to be their duty to their Sovereign and the Court of Queen's Bench whose officers they were; that your petitioners are sworn, among other things, to duly return and truly serve all the Queen's writs, according to the best of their ability; and they verily, and in their true judgment and conscience, believe they are bound to 'obey' (according to the natural and ordinary interpretation of the oath as expounded by her Majesty's judges, 'the Queen's writs, according to the law and practice of the courts from which such writs issue,' and 'according to the exigency of said writs,' and your petitioners believe that if they fail so to obey the said writs, they will act in violation of the duty they owe to her Majesty the Queen, and that they will be compelled, in due course of law, to make good the sum which they are ordered by this honourable House to refund to Messrs. Hansard; and that if they refuse to make good this sum, they will be liable to attachment and imprisonment in one of her Majesty's gaols. And they further assure the House that throughout the whole of their proceedings they have endeavoured to give effect to the law as delivered by the judges of the Queen's Bench; and they pray they may not be amerced or imprisoned for having honestly endeavoured to discharge the duty cast upon them by law, according to the best of their judgment and ability, and according to what they in their conscience believe to be the solemn obligation of an oath."

Petition brought up, and read.

Mr. *FitzRoy Kelly* rose for the purpose of moving that the petition be forthwith taken into consideration. If he could persuade himself that the noble Lord would not object to that motion—if he were convinced that the noble Lord would feel that this was a petition which imperatively called upon the Members of the House to proceed to consider it before the motion which had been adjourned, should again be taken into consideration, he (Mr. Kelly) should be happy to limit the observations he had to make, to the offering of his thanks to the noble Lord for the concession of that which he should, however, consider no more than an act of justice. But if the noble Lord should say, that he objected to taking the petition into consideration at the present moment—if the noble Lord should say, that a petition which called upon the House to consider whether it would amerce of his moneys or imprison in his person one of the subjects of this realm, for performing a public duty which was not of his own seeking, but which had been cast upon him, if he understood the noble Lord to say that a petition with such a prayer should not be taken into consideration until after the House had decided the question by actually committing the petitioner to gaol, then he should feel it his duty to press upon the House the motion he now proposed to make, namely, that the House do forthwith proceed with the consideration of the petition. Inferring from the noble Lord's silence that he objected to the motion, it became his duty to inform the House how the petitioner stood in relation to that honourable House and to the Court of Queen's Bench. At the time that Parliament was prorogued, when that House had no means whatever of interference, an action was brought by Mr. Stockdale, who, to whatever observations he might have rendered himself liable by Members of that House, had not, he apprehended, forfeited his rights as a subject of this realm. Mr. Stockdale commenced an action by due course of law against certain persons of the name of Hansard, for the publication of a defamatory libel reflecting upon him. With the commencement of the action the sheriffs had nothing whatever to do. The action proceeded as every action must proceed, whilst this free country was governed by the laws administered according to the undeviating practice of the courts. In the course of the action a writ was delivered to the sheriffs of Middlesex which rendered it necessary for those officers to empanel a jury to assess damages against Messrs. Hansard in favour of Mr. Stockdale. That writ was executed—the damages were assessed by the jury, and ultimately, judgment was obtained in the case. By course of law execution was issued in the action. The writ was delivered to the sheriffs of Middlesex, and it became their duty, unless the writ should be superseded by due course of law, to execute it. In the execution of the writ they seized certain property belonging to Messrs. Hansard, and that property was sold. The money, the produce of the sale, was paid into the hands of the sheriffs. The sheriffs, still acting according to law and the practice of the courts, retained the money until they were compelled to make a return of the writ to the Court of Queen's Bench. When that time arrived they returned, that which they were bound to return—the truth; they stated that they had levied the money according to the writ, and that they had it ready in court for the court to dispose of according to law. In the mean time, certain proceedings took place in the House of Commons; but, also, in the mean time, Stockdale, the plaintiff in the suit, obtained a rule from the Court of Queen's Bench calling upon the sheriffs to show cause why they should not forthwith pay the money to him, who had recovered it by due course of law. He now came to what was the present situation of the sheriffs, the present situation of the action, and the state of the circumstances under which the House had felt itself called upon to proceed, and under which the sheriffs now appealed to the honourable feelings of the House as to the course that the House would pursue upon their petition. The rule which he had stated to have been obtained at the suit of the plaintiff, was resisted by the sheriffs, and he prayed the attention of the House to the mode in which the sheriffs had felt it their duty to resist that rule. If it were thought for one moment that the sheriffs had at any time disregarded the orders—the privileges of the House, nay, even the notices of persons who professed themselves to be the solicitors of the House, he trusted that the statement he was now about to make would entirely exonerate the sheriffs from such a suspicion, and make it appear that they had acted only in strict obedience to their duty, and with every respect alike to that House and to the court to which they were liable. The sheriffs have placed upon affidavit, and have brought under the consideration of the Court of Queen's Bench every resolution of the House—every notice given on the part of the House, or on the part of any of its servants, that could induce the Court of Queen's Bench to determine that the House possessed the privilege contended for, and, that, therefore, under, and by virtue of that privilege, the sheriffs were justified in withholding the money from the plaintiff, All these matters the sheriffs had carefully brought before the Court of Queen's Bench. It would be in the recollection of the House, that within these few days, certain resolutions had been adopted by the House, and that amongst these resolutions, there was one declaring that the sheriffs had been guilty of a breach of the privileges of the House. Further, the House had ordered the sheriffs upon its own authority to pay over to the Messrs. Hansard the money which had been levied upon their goods. It had been stated by his hon. and learned Friend the Attorney-general that this order on the part of the House would be a sufficient defence for the sheriffs to make in a court of law against any action that the plaintiff, Mr. Stockdale, might bring. It had been also stated by the Attorney-general that such an order would constitute a sufficient reason for the sheriffs to show cause against the rule obtained by the plaintiff, calling upon them to show why the money should not forthwith be paid over to him. The Attorney-general, one of our highest legal authorities, expressly and distinctly declared that by the law of the land, upon such cause being shown, the Court of Queen's Bench would be bound to admit it as a sufficient answer, and to discharge the sheriffs from any further responsibility. The sheriffs had taken the advice of the Attorney-general—they had acted upon the suggestion of that eminent legal authority—they had done every thing that men could do in their situation. They had already stated upon affidavit, to the Court of Queen's Bench, the several proceedings in that House during the last four days that their case had been under consideration. They had brought the whole of these proceedings under the notice of the court, and they were prepared to urge to the court that those proceedings afforded an answer in point of law to the claim of the plaintiff in the action that the money he had recovered should be paid over to him. Independent of all this, he could state, from his own personal knowledge, that the sheriffs had that very day used every endeavour that the law and practice of the court would enable them to employ to bring the resolution of the House under the consideration of the Court of Queen's Bench. They earnestly and urgently endeavoured to have the motion heard that day, upon which they were or were not compelled to pay over this money to Mr. Stockdale. If the anxious desire of the sheriffs had been gratified, the Court of Queen's Bench would have had an opportunity of declaring whether the resolution of the House of Commons—that the money should be paid back to Hansard—was a defence in point of law to the sheriffs for not paying it over to the plaintiff. He would now state the result of those anxious endeavours on the part of the sheriffs. The application was made before a single judge—Mr. Justice Patteson—in the Bail Court. Mr. Justice Patteson was unable conveniently to hear the case to-day. He had other duties to perform which rendered it impossible. But the learned judge announced that he had communicated with the other judges of the Queen's Bench, sitting in full court, and that those learned judges, deeming the question one of great public importance, had determined, even to the displacing of other regular business of the court, that they would entertain the motion and hear counsel on both sides at the sitting of the court to-morrow. At the sitting of the court to-morrow morning all those matters which had been placed upon affidavit by the sheriffs—the claim of the House—the law as it had been laid down by the Attorney-general—would be brought under the consideration of the judges, who would then judicially determine whether the resolution of the House was or was not a sufficient justification to the sheriff for disobeying her Majesty's writ. All therefore that he should feel it his duty to do on the present occasion would be to submit to the House whether it were right, whether it were constitutional, whether it were just, whether it were humane, to send two innocent and honourable gentlemen to prison that night, when they told the House that to-morrow they would be enabled to obtain the decision of the court of law, by which decision they, in common with all other subjects in the kingdom, would be bound as to whether they should obey the order of the House or not? He asked the House whether, under such circumstances, it would consent to send these gentlemen precipitately to prison? All that he submitted was, that the petition of the sheriffs might be forthwith taken into consideration. Before he sat down, however, he would venture humbly to point out what he apprehended would be the consequence of either of two or three courses which it was possible the House might pursue. In the first place, the House might adjourn till to-morrow the consideration of the two questions now before it, namely, the taking this petition into immediate consideration, and the resumption of the adjourned debate. If the House chose to adopt that course, he apprehended that no injury would be done either to its privileges or to its dignity. The House would then be in the same position as it now stood, and would be enabled under no disadvantage to enter upon the final consideration of the case. But there would be this difference in the position of the gentlemen who presented the petition, that they would have had the guidance of a court of law as to the course they ought to pursue. But supposing that the House, instead of taking that mild, merciful, and just course, should persevere in debating the resolution proposed last night, that the sheriffs should be committed, he prayed hon. Members to consider in what a situation the sheriffs would then be placed. They would be committed to prison for not having paid over to the servant of the House certain money which had been recovered by a subject of the realm in due course of law. Now, before sunset to-morrow, upon the judgment of the Court of Queen's Bench, the sheriffs might be ordered to pay over the money to the plaintiff in the case; and by reason of their not having paid it over, if they should refuse to do so, they would then be liable either to further imprisonment and attachment from the Court of Queen's Bench, or attachment at the suit of Mr. Stockdale, who had recovered the money in due course of law. Now, suppose that the sheriffs should yield obedience to the order of the House, what would be the consequence? Within eight and forty hours the Court of Queen's Bench might order the sheriffs to pay the money over to Mr. Stockdale; and the payment by them to Messrs. Hansard, by order of the House of Commons, was no answer in point of law to Mr. Stockdale. They would be ordered to pay the money over again to Mr. Stockdale. If they disobeyed that order, they would be committed by a writ of attachment to some of the gaols under the jurisdiction of the court. What power, in that case, would the House have to deliver the sheriffs from that custody? They would have no power to discharge them from the imprisonment. If the House were to assume a power which they had not, and were to order the Sergeant-at-Arms to proceed to the gaol and call upon the gaoler to liberate the sheriffs, and the gaoler were to be sufficiently respectful to obey the order and liberate them, then the gaoler himself would be liable to imprisonment for having obeyed the order of the House, and the sheriffs upon a new writ would be again liable to be committed. But suppose another course. It was possible that when the sheriffs should appear to-morrow before the Court of Queen's Bench, and should state to the court by their counsel, upon affidavits, the orders of that House, and the counsel should contend, as he doubted not they would feel it their duty to do, whatever might be their own private opinion of the law, that the House had the power to interpose during the progress of the suit to order the sheriffs to pay the money over differently from what they had been ordered by the Queen's Bench; and supposing the court, from deference to the assumed authority of the House of Commons, should refuse to recommit the sheriffs to gaol, but should leave the parties interested to proceed by action to recover the money—that was, leave it to Mr. Stockdale to bring his action against the sheriffs to recover the money—he begged to ask the noble Lord, and those who supported him, to consider in what situation the House would then be placed. He would suppose Mr. Stockdale to bring his action; what course were the sheriffs to take? Suppose the sheriffs should have yielded to the orders of the House, and should have paid the money over to Mr. Hansard—still, what course were they to take when the action was brought against them? If they suffered judgment to go by default, then, by the ordinary and immediate course of law, judgment would be finally signed against them, and Mr. Stockdale would recover his money with all the costs against the sheriffs. There was no power known to the law or constitution of this country that could prevent Mr. Stockdale from recovering the money, provided the sheriffs suffered judgment by default. But the sheriffs, having acted in obedience to the orders of the House of Commons, might apply to the House to support them in their defence in the action of Mr. Stockdale, and he hoped the House would feel it their duty to support the sheriffs in the execution of the orders they had themselves given. But how could the House support the sheriffs? It could only be by pleading to the action by due course of law, and when the action should come on to be tried, by urging before the Court of Queen's Bench that under the privileges of the House of Commons the sheriffs had a good defence. Why, there again they would be immediately submitting their privileges to the judgment of the court of law. He hoped that his hon. and learned Friend, the Attorney-general, would inform the House how they would be enabled hereafter to protect and defend the sheriffs, supposing those gentlemen should be disposed to obey the orders of the House. It must be by either one or the other of these two courses—either the House must allow the sheriffs to suffer judgment to go by default, or they must direct the Attorney General o apear to defend the action for them. In the one case there would be no defence at all; and in the other case the House, directly contrary to their own resolutions, would be submitting a question concerning their privileges to the decision of a court of law. He had, during these discussions, more than once heard hon. Members regret the course which from time to time had been taken by the House in this matter, without sufficient reflection as to what should be the next step, and what would be the ultimate consequences of all these proceedings. If the advice given by the right hon. Baronet, at a very early period of these debates, had been taken, although they would then have adopted a course which he could not conscientiously approve of, at least they would have been consistent, at least they would have acted upon one single, simple, imperishable and solid principle; at least they would have done that which, if the world should afterwards have impugned their proceedings, would have enabled them to have answered, "We believe this to be our undoubted privilege, and we have taken every step which the powers and the rules provided by this House have enabled us to take to maintain it." But it was because they had gone on rashly, step by step, without considering what the next step might be; it was because they had begun a course of which they were unable to see the end, that in every step and stage of the proceedings they had met with difficulties which they knew not how to overcome. They had flinched, they had paused, they had hesitated, they had trembled; and, by their whole conduct, had given a tone and character to their proceedings which was calculated to do anything but add to the reputation, credit, or honour of the House. He did hope that it would be felt by the House, even by the majority who sustained this claim of privilege, that, if they were entitled to the privileges they claimed, at least those privileges had been sufficiently upheld and vindicated by the House; having committed one who had frankly admitted before them that he had acted in defiance of their claim of privilege, that he had acted as a volunteer, and that he did so for the purpose of bringing their privilege into dispute. They had, by committing that man, sustained their claim, as far as they could sustain it; and surely that ought to be enough. Was it consistent with the duty they owed to their country to proceed further? How could they, who were the guardians of the liberties of the subject—they, who were the representatives of the people—they, who represented these very sheriffs who were now brought to their bar to defend themselves for having acted according to their sense of public duty, and according to law and their own consciences—how could they justify it to themselves, without any necessity, and after having committed the person who had avowed his purpose to dispute their privileges, nevertheless to lay their hands upon these innocent and honourable men, and, by way of farther establishing their claim, to imprison them, without giving them even the opportunity of trying their rights in a court of law? He hoped the House would pause, and give the sheriffs an opportunity to obtain the deliberate opinion of that court of which they were the sworn officers. The hon. and learned Gentleman concluded by moving that the petition be taken into consideration forthwith.

The *Speaker* said, the terms of the motion were informal. It had been agreed by the House that the petition should be printed, and it must, therefore, be printed with the votes.

Mr. *Kelly* would then beg leave to move that the Sheriff of Middlesex be called to the bar, and be forthwith discharged.

Sir *R. Inglis* seconded the motion. The House ought not to direct their own energies against such "small deer" as the sheriffs, but should at once attack higher game—more worthy of their pursuit. Why not attack the beasts of the forest? Let them assail the lion in his den, and not worry the mere domestic animals. But they had not the power, or else they had not the courage, to pursue those who, if there were any guilty of contempt against their privileges, were the really guilty parties. The Court of Queen's Bench was so far as appeared by the affidavit on the table, legally cognisant of the resolutions and proceedings of the House; why, therefore, should they visit with condign punishment, the ministerial officers of the court, who had no power to refuse obedience to the authority of the judges, and suffer the judges themselves to escape? If the judges, after having full knowledge of the resolutions of the House, should persist in their previous course, then the House would have an object worth combating with; while, on the other hand, if the judges should decline resisting the claim of privilege on the part of the House of Commons, then the object sought for would have been gained without punishing those who were only their ministerial officers.

Lord *John Russell* wished he could see, in the petition which was now under consideration, any reason which would justify the House in acceding to the motion of the hon. and learned Gentleman. He was ready to agree that, with regard to their general conduct, however they might have disobeyed the injunctions, and broken the privileges of the House, the sheriffs had certainly shown a very great desire, not at once to comply with the Court of Queen's Bench upon the question of the jurisdiction of the House of Commons, but to reserve that question for further consideration. He was also ready to admit, that in their conduct at the bar of the House, on a former day, they had shown every wish to pay respect to the House; but if he passed from that to the petition itself, he found, although they had heard from the Speaker, the resolutions of the House, that far from their being ready to conform to that decision, they attempted to justify the conduct which they had pursued, and expressed a determination that they should persist in the same course. The petition was, no doubt, framed in respectful terms towards the House; but it declared a determination not to submit to the resolution of the House, and a delaration that they were justfied in so acting; and it furthermore contained a request that the House would support them in that determination. Stated in this way, and looking upon the face of the petition itself, he could not say that the petition afforded any ground whatever, after the twenty-four hours' time for consideration which the sheriffs had had, for him to desist from the course which he had already thought it his duty to propose. But if he considered the speech of the hon. and learned Gentleman, he should see still far less reason in complying with the course recommended by him. For the whole speech of the hon. and learned Gentleman is this:—" There is a superior authority to you; there is a court which may perhaps, in the course of to-morrow, be kind and gracious enough to allow that there is some power and some privilege belonging to the House. They may decide the other way—that you have no power and no privilege; but wait, humbly wait—wait in patient expectation that perhaps something more favourable than has hitherto occurred, may be decided by the Court of Queen's Bench: but depend upon it, that you have no power or authority of your own; the sheriffs tell you they must submit to the Court of Queen's Bench; you must submit to the Court of Queen's Bench likewise; and whatever they decide, is the paramount law of this country." I confess (said the noble Lord) that although there have been great approaches to this language in the course of the debates we have had upon this subject, there has been nothing so directly asserting this supremacy as the speech of the hon. and learned Member for Ipswich. We have heard in former days, and the names of great lawyers have been quoted on the subject, protected by the name of Lord Coke, praises respecting the omnipotence of Parliament, exaggerated praises respecting the omnipotence of Parliament in this country; but whatever may be the omnipotence, or whatever the attributes—the extraordinary attributes—applied to any power of this country, it appears that, henceforward, they are not to belong to Parliament—they are to cease altogether to belong to Parliament—the Court of Queen's Bench is to be the power in this country; and whatever that Court decides to-morrow, is, the next day to be our law and constitution. What is it the hon. and learned Gentleman would say with respect to another question (with respect to a question which may create some interest, and some agitation in this House), I will mention the question involved in the motion which is to be brought forward on Wednesday next? Suppose, for a moment, a Member should be arrested, and the question of privilege from arrest should be raised—I care not to which side of the House the Member may belong; he may be taken from either side; it still may be a matter of considerable interest. I own I should be very much surprised if any hon. Member were to come forward and say, "It is true there has hitherto been a privilege which, in cases of this kind, would protect Members from arrest. It is very true that, in all former times, by the exertions of our ancestors, by the declarations of the House, and by the successful efforts of good and honest men, the Members of this House did acquire exemption from arrest; but, in the present day, we must wait the decision of the Queen's Bench. Towards the end of the term, the court may be kind enough to fix a day to decide whether you have any such privilege or not; and I should not be at all astonished if, at the end of the term, your Member would be discharged from arrest." I ask whether that is a position suitable to the dignity of the House of Commons? Yet that was the argument of the hon. and learned Gentleman. It all went to this, that the supremacy of the Court of Queen's Bench, with regard to all matters of privilege, was henceforth to be paramount. As to the objection of the hon. and learned Gentleman, that the privilege now claimed would over-ride matters of law, I beg to reply that, with regard to matters of law, we pretend to no jurisdiction whatever. It is because the conduct of these parties affects the jurisdiction, the authority, and the proceedings of this House, and not because it affects any question of law, that we have thought it our duty to interfere. I must say that the reproaches of the hon. and learned Member, with regard to our past conduct, tallies very ill with the course he now recommends us to pursue. It is very remarkable that the words the hon. and learned Member has used, describe exactly the kind of advice he himself has invited us to adopt. At the close of his speech the hon. and learned Gentleman said—"You have flinched, you have paused, you have hesitated, you have trembled;" and he concluded that we had lost our authority because we had flinched, and paused, and hesitated, and trembled. After hearing the hon. and learned Gentleman make this statement, I waited and listened attentively to his speech, to learn what was the advice he would give to the House in this case. And what did the hon. and learned Gentleman advise? Why, he advises you to pause. After declaring that you had already lost your authority because you had paused, the whole advice he gave you was that you should pause again. Perhaps, after all, he had too much respect for the opinions given by two eminent legal Gentlemen, one on each side of the House, to come to any other conclusion. My hon, and learned Friend, the Attorney-general, on this side, and the hon. and learned Member for Exeter on the other, advised us to go before the Court of Queen's Bench and pause. I do not know whether that advice was wrong: it is not my opinion that it was wrong; but, at all events, I am not disposed to agree with the hon. and learned Gentleman, and say that if we have lost our authority on that account, we ought to pursue the same course again; and that this is the peculiarly fitting opportunity for pausing, especially when it has been stated upon high grounds that an acknowledgment of the jurisdiction of the Court of Queen's Bench was that which gave the only hope or chance of our obtaining any privilege which the court may be pleased to allow. I say all this with very great respect, notwithstanding, for the Court of Queen's Bench. My opinion is, that if the question were again to be seriously considered by the judges, they would hardly support the decision which they have already given in opposition to what I think the better and wiser opinion of Lord Kenyon. I am hardly disposed to take the wholesale and broad proposition, that we have no other course to pursue than at once to submit our privileges to the decision that the Court of Queen's Bench may think proper to make. The sheriffs, in their petition, state that they have sworn "that they will duly return, serve, and execute all the Queen's writs sent to them." This is very true; but we have had it stated in evidence at the bar of the House, that on an injunction from the Court of Chancery being served on them, the sheriffs could not proceed to execute the Queen's writ from any other court. The order of the Court of Chancery would stand in the way of the execution of any such writ. We know, too, that if the Board of Green Cloth forbid the execution of a writ within the precincts of a royal palace, the sheriffs are prohibited. Therefore, don't tell me that an oath which is not observed when it comes in contact with the Court of Chancery, and which is not observed when it comes in contact with the Board of Green Cloth—that an oath which is good for nothing as against the Court of Chancery or Board of Green Cloth, becomes stringent and binding and paramount on the conscience when it comes in contact with the House of Commons; and that the sheriffs in that case, and in that case only, are bound to execute the writ. I have observed with great concern upon this occasion, as I have upon a great number of other occasions, that there is a disposition to strain an oath—not with a view to do that which is really and *bona fide* the purpose and intention of the oath—namely, to execute certain functions and certain offices according to the real meaning of that oath; but in order to strain it to some purpose which goes beyond the real meaning and intention of the oath, and which may suit the opinion of certain other persons who may judge of that oath. These sheriffs are bound to do their duty, according to the sense they entertain of their duty. But the real meaning of the oath which they have taken depends upon what is really the law upon this subject; and it depends as much upon what is the law of Parliament as it does upon what is the law declared in the courts of law. I have stated before, my opinion with respect to the sheriffs. It is not that I impute any moral blame to them with regard to their conduct on this occasion, but it is necessary for us to proceed according to that mode by which our privileges may be protected. The hon. Baronet, the Member for the university of Oxford, on several occasions has taunted us with not at once condemning the judges, and going against them. I might state in answer, that whenever Lord Denman shall desire an attachment to proceed against the Speaker of this House, we shall then call one of the judges of the court to the bar. But I find that when the courts of law and courts of equity have found themselves placed in a similar difficulty to that in which the House of Commons now is, they have proceeded in the manner in which we are now proceeding. I find in a very elaborate judgment of Chief Baron Eyre, where many points of law are ably discussed, but of which I shall not say anything, that that learned judge stated, that in case of conflicting jurisdictions, it was formerly the practice of the judges of the courts in which the actions were originally commenced to send writs to the judges of the other courts in which the actions had been subsequently brought, prohibiting them from entertaining certain proceedings in certain actions; but the judges afterwards thought that the better mode would be to proceed against the officers of those courts, or against the individuals who brought the subsequent action, and not to send writs of injunction or prohibition against the judges, in order that the supreme authorities of the courts may not be brought into conflict. He thought that this rule had been taught by experience, and had been found of great service; therefore, when in accordance with the practice he proceeded against the sheriffs, it was not with the view of accusing them of anything criminatory, but as the best means of vindicating the privileges of the House. He would, therefore, move, by way of amendment, that the House should proceed to the further consideration of the adjourned debate on the petition of Messrs. Hansard.

Mr. *M. Attwood* was understood to express his regret, that the present contest, which was one entirely between the House of Commons and the Court of Queen's Bench, should have gone on so far as it had. Even in the elaborate speech delivered by the right hon. Baronet, the Member for Tamworth, on the previous evening, he confessed he saw nothing to induce him to alter the opinion he had formed relative to the matter then before the House. That speech, powerful and eloquent as it was, did not carry conviction to his mind. Some of the positions in it could not be maintained, especially that which asserted the unrestricted right of the House of Commons to publish any portion of its proceedings it pleased. He denied, that the privilege of printing and circulation existed to the extent to which it was at present exercised. The right hon. Baronet had told them of the many advantages the public derived from the exercise of this so-called privilege, but he had not alluded to any of the evils which might result. Indeed, were all the proceedings of that House perfectly secret, as they were supposed to be, the printing and publishing of its papers could not be so injurious as it might, under the present circumstance, in some instances be; but at present, when their acts and speeches were so well known, the exercise of the power of publication might be converted into a species of the most intolerable tyranny. But he really thought the House had gone too far already in the present matter. He thought they had argued too much about the question of privilege; but they had not given sufficient attention to the consideration of the consequences likely to ensue from the course they were then adopting. What was the present case? Why, Mr. Stockdale had only exercised the right of every Englishman to bring an action against an individual whom he believed had injured him; and the Court of Queen's Bench had been compelled to give its decision duly and regularly upon the case. It had decided that Messrs. Hansard should pay damages for the libellous matter which they had published, and a jury of Englishmen had given a verdict sanctioning such a view of the matter. What power, he would ask, was there in this country to interfere with the private rights of individuals? What authority could that House claim to set aside the verdict of a jury? If that House had the power of so doing, then, he would say, there was at once an end to all protection for the subject, to all security of property, and even personal liberty. He should regret exceedingly, that such a contest at the present existed, or should go on between the House of Commons, and the Court of Queen's Bench; and he for one, hoped the former would never achieve a victory over the latter, which would be so destructive to the best interests of this country. He concluded by expressing an anticipation and a wish, that the result of the present proceedings would be, that the country at large would rejoice, that a triumph of the law and constitution had taken place, and the popular voice would run into a strong expression of gratitude to those functionaries who had so fearlessly discharged their duty.

Colonel *Conolly* said he should have abstained from obtruding himself at all upon the attention of the House, were he not anxious to record, in justice to himself and his constituents, the opinion which he entertained on the present matter. For his part, he wished to disclaim any share in what he considered so degrading and dishonourable a transaction as the course the House was then pursuing. They went so far as to deny the right of any subject in this country to seek from a court of justice satisfaction or compensation for injury done. He fully agreed with the view of the present case taken by his hon. Friend the Member for Whitehaven; and having looked narrowly at all their proceedings, from the very commencement, he could not but consider them fraught with injustice and evil of great magnitude. The House had been, even from the first, in a false position. It was wrong all through when it authorised the sale of its documents. It was too evident that such was the opinion of the country, for a jury had more than once confirmed that opinion, He could not see how they were exercising their power justly or fairly in wreaking their vengeance on inferior officers, when they had not the courage to contest openly and manfully with those who were really disputing their privileges with them. For his part, he was as ready as any Member of that House to vindicate the legitimate exercise of any real privilege they possessed, but he was not prepared to carry that privilege beyond the just and legitimate bounds it ought never to exceed. The course the House was pursuing in the present case, however, was, in his mind, totally unworthy that assembly, and would not fail to bring down upon it the indignation, and the just indignation too, of the entire country. He was glad, indeed, that that House, even in its dastardly course, had not thought proper to proceed to any extremities with the judges of the Court of Queen's Bench. Such a proceeding would indeed be fraught with evil at the present time, when neither the laws nor those who administered them were so much respected as they ought to be. If the dignity of that House, he had only to say in conclusion, was only to be upheld, was only to be vindicated by coming thus into a collision with a court of justice, then he would observe that the meaning attached to the word "dignity" was very different from what he had heretofore understood it to be.

Mr. *Darby* said, as the noble Lord opposite, the Secretary for the Colonies, had thought fit, in the course of his observations on the present matter, to attribute to the Gentleman on the side of the House opposite to the noble Lord the opinions that there was no such thing as the law of Parliament, and the only law was that which the Queen's Bench inculcated, he, for his part, should say that there was in his opinion a law and a custom of Parliament; and, further, that the Court of Queen's Bench had never denied the same. He utterly denied that Sir Robert Peel had sustained his position that the printing and publishing of its papers were necessary and essential to the functions of that House. There had been a difference of opinion on a material question in the present discussion, even amongst those who supported another view than that which he (Mr. Darby) took of it. The Queen's Bench differed as to whether this was a privilege of Parliament. The Attorney-general had differed, and even Mr. Serjeant Wilde, in a speech which he had made on this matter, and which was so much quoted, had asserted that this was not a privilege, but that it was a power of Parliament. The Attorney-general had asserted that it was a power over which there was no control—that it was an irresponsible power—and it was on this point that the Queen's Bench had come to issue with them, and had asserted that no power of such a kind could exist—that its limits should be defined. There was one part of the right hon. Baronet the Member for Tamworth's speech to which he would briefly refer. It had been said, that the publication and sale of Parliamentary papers were of the greatest utility in raising the popular feeling about particular questions, and that the slave-trade had been put an end to chiefly by this exercise of the privilege. Now, it so happened, that at the time alluded to, the sale of the papers was not permitted, and, therefore, the reasoning built upon that position should fail. The noble Lord opposite (Lord J. Russell) had thrown some ridicule on the judges for decisions to which they had come; but, if, instead of doing so, he endeavoured to amend the absurdities of the law of libel, by which the judges were bound, he would be effecting a much more useful piece of service to the country than lessening the respect due to those learned men, and the laws they administered, at a time, too, when he could ill afford to do such. For his part he believed the judges had only done what they were bound to do according to law. What the House of Commons claimed, in the present instance, the power to do, was in his opinion, neither the law nor the custom of Parliament. So far as the sale of the Parliamentary papers was concerned, he very much doubted the propriety of permitting it without a proper distinction. But to come to another consideration: he would just ask the noble Lord opposite one question, and that was, if he committed the sheriffs to prison in the present state of the country, and the sheriffs' offices were shut up, and their regular duties left unperformed, had he (Lord J. Russell) made up his mind to provide for the difficulties which should occur when these officers were deprived of their liberty. He firmly believed that the country would gain nothing by the present contest, and if that House exercised the power they claimed to possess, it would sink materially in the estimation of the country. Popular opinion was against the course they were taking, it was influencing the public strongly, and to that opinion the House would ultimately yield.

Mr. *Jones*, (Carmarthen) said, that it was an error from the commencement to have introduced the name of Stockdale. It would have been quite sufficient to have it stated in the evidence, that certain obscene works had been introduced into Newgate, without stating the name of the the party by whom they were so introduced. If that omission had been made, the House would not have been brought into its present difficulty. For the sake of the character of the House with the country, he must protest against this assumption of a power to interfere with the administration of the law. It was such conduct, in in the time of Cromwell, which first brought the House into disrepute with the people, and then caused its abolition. The House took upon itself the functions of a court of law, and amongst other instances ordered to be brought before them Naylor, of Bristol, on account of some religious opinions which he professed. At length Cromwell,

> "That stern dictator of a conquered Land,"

interfered, and told the House in very plain terms, that it must not proceed any further in that way, and the House might depend upon it, that if it proceeded in its present assumption of power, which did not constitutionally belong to it, some despot would be found to put it down altogether, and, in that case, it would fall without the sympathies of the people. The course adopted last night was inconsistent. The House proceeded against the sheriffs, who were bound to act ministerially under the orders of the court, but to be consistent, the House would be obliged at last to proceed against the judges.

Lord *Teignmouth* was sorry to find himself in opposition on the present question to many hon. Members with whom he usually voted in that House, and his alliance with whom he exulted and rejoiced in, because he believed, under Providence, that to the compact, unbroken union of Conservative party they must look for the salvation of the country. He was sorry, he repeated, to find himself opposed most strongly, and in principle, to the course pursued by the majority of those hon. Members with whom he usually acted, but he could not sit and listen to such arguments and expressions as had been advanced by his hon. and gallant Friend, the Member for Donegal (Colonel Conolly), without rising and entering his protest against them. Surely, when his hon. and gallant Friend applied the term "dastardly" to the resolutions of the House, he did not seriously mean to say that either the noble Lord opposite, or the right hon. Baronet near him (Sir R. Peel), had, in the course they had pursued on the present question, been guilty of any dastardly conduct. His hon. and gallant Friend had spoken with the characteristic warmth of his countrymen, and to that alone must be imputed the strength of his language, which, however, could not be seriously justified. He trusted, therefore, that his gallant Friend would "repent in sackcloth and ashes" of the expressions he had used. With regard to the question before the House, he was decidedly of opinion that they must maintain their privileges as well as all their other attributes. The hon. and learned Member for Ripon, whose authority on points of law he venerated, and he was not the less disposed to do so from the circumstance of his agreeing with him in the main in his political opinions, had repeatedly stated, that the privileges of the House of Commons would be safe in the keeping of the House of Lords. He could not assent to such proposition, as it was contrary to the established constitutional doctrine, that our privileges were vested in us for the purpose of protecting us in part from the encroachments of the other House of Legislature, as well as to the facts of history. Had not the House of Commons been engaged in repeated contests with the House of Lords on the subject of privileges, and had not the Lords about forty years after the period to which the claim of the privilege of publication is referred, imprisoned a Member of the House of Commons? Nor would he consent to surrender the privileges of the House of Commons to the courts of judicature. If the proceedings in the Court of Queen's Bench, in the case of "Stockdale *v.* Hansard," were referred to, it would be found that there was no ground whatever in them for ceding the right now claimed by the House. No man felt more deference and respect for the legal tribunals of the land than himself; but he would appeal to any Member of the House, whether, examining the judgments of the Court of Queen's Bench, he could possibly, be his acuteness and power of comparison what they might be, collect from them any clear, intelligible conclusion on the subject matter of their adjudication. They judged in this question upon data which were not fairly before them. So far as the legal data were concerned, he was ready to admit their decision was right; but the moment they entered upon the adjudication of a question of privilege they were incompetent to decide upon it as being matter for the discussion and decision of the House alone. When he listened to the arguments which had been urged in favour of the decision of the exercise of this judicial authority over the proceedings of the House, by the legal Members of Parliament who had spoken on it, he must confess he thought their judgments were cramped by the practises of their respective courts, and it were too apt to lead us among "the snares and pitfalls of the law." The argument in favour of the privileges of the House had been acknowledged by the Lord Chief Justice in his judgment, that of necessity being the ground-work of them. It would be unnecessary for him to enter upon it, as it had been already so amply and ably expounded by the right hon. Baronet, the Member for Tamworth, whose speech he listened to, not so much with admiration of his acknowledged abilities, as with the conviction, that its practical wisdom would produce a deep impression on the public mind. He might be obnoxious if he attempted to do so, to the imputation offered by Mr. Pitt on a young Member of the House, Lord (then Mr.) Erskine, who had spoken after Mr. Fox, when he observed, "The hon. Gentleman has followed the steps of his right hon. Leader, weakening his arguments as he went along." He would remark, however, that the Members of the House on the other side of the question, who had discussed the argument, deduced from necessity and the expediency of the privileges, had adopted a most inconsistent course; as they ought, in pursuance of their own reasonings, to consult the courts of law, and not to presume to exercise their free and unbiassed judgment on the question. They had crept, rather than boldly advanced, into the question, and had argued with the terrors of the Court of Queen's Bench impending on them. There was one practical point referred to by his hon. Friend, the Member for West Sussex, who had stated, that there would be no provision for the discharge of the duties of the sheriffs, should they be committed to custody. His hon. Friend, the Recorder of the city of London, had informed him, that they would devolve on the coroner of Middlesex, and there was that hon. Functionary opposite, ready to assume them, and every one knew how zealous he was in the duties of his present office. Much had been said of the view the people of this country took of the question. He was persuaded, that if those who differed from him relied on the stability of support out of doors, they would find sooner or later, that they had committed themselves to a transient, though perhaps noisy, torrent of popular tumult, and not to the comparatively silent, but deep, strong, and resistless stream of public opinion. And regarding it as quite within the bounds of probability that the Parliament was within a month of its dissolution, he would openly state that if there was one point of his public conduct in which he would be more ready to meet his numerous and respectable constituents on the hustings, it was that of his vote on the matter now at issue, which had invariably been in support of the undoubted privileges of the House. He would respectfully urge the noble Lord to pursue his present arduous but just course. He would say, "*Tunc cede malis ad contra audentior ito.*" Differing as he did from the noble Lord in many, indeed almost all his views of policy, and execrating as he had often done, the noble Lord's conduct in that House, as a Minister, he could not help expressing his belief, that when some future constitutional historian should record the proceedings of the present age, whilst many of the noble Lord's acts would either pass into the oblivion which they merited, or would only be remembered to be execrated and abhorred, his conduct on the present occasion would be regarded as one bright spot in his political career, and would obtain for him the reputation of having so far proved himself one of the firmest assertors of the privileges and one of the stoutest conservators of the liberties and immunities of the House.

Mr. *Freshfield* said, that the cases of conflicting jurisdiction between common law courts and Chancery courts which had been mentioned in the course of the debate as illustrations, bore no analogy to the question before the House. He could not conceive anything more dangerous than that their privileges should stand upon the mere name of privilege; nor did he think anything could be more destructive of the rights and privileges of the subject than that this claim should be made and enforced in the manner proposed. He admitted, that whatever privilege was necessary to the proper discharge of their duty must be conceded to the House; but he denied that an indiscriminate publication of papers was necessary to the due exercise of their functions. The arguments of the noble Lord, the Member for Northumberland, and those of the right hon. Baronet, the Member for Tamworth, rested on a system that was better honoured in the breach than in the observance—the system of agitation, instead of upon due deliberation and a calm view of the case. He had never advanced to the consideration of any subject with more cofidence than he had to this question, and he must say, that he had no doubt the House was in error, and that the sooner they retired from the contest the better for the character of the House and the liberties of the people.

Mr. *Hume* said, that he should not have offered himself to the attention of the House on the present occasion, but for the fact that he was implicated as the person who had recommended the publication of the papers which had raised the whole question now before the House. It appeared to him that not one amongst the various privileges appertaining to that House was of greater importance to the true interests of the people than was the right of publishing reports of committees. The evidence given before committees of that House was peculiarly calculated to bring to light truths of great moment to the people of this country. It was not only of importance to the people to know the facts disclosed in that evidence, but it was highly important to the representatives of the people, and eventually to the community at large, that public opinion upon those great subjects into which committees inquired should be collected by means of submitting to general perusal the evidence of well-informed and intelligent witnesses which such committees from time to time laid before the House, and the House sent forth to the public. It was thus by collecting public sentiment that useful reforms were effected. He admitted that it was with great regret that he recommended the House to act against the sheriffs, who were merely ministerial officers, and who had on the occasion in question acted with great prudence, with great caution, and with every disposition to avoid any step calculated to irritate the House of Commons. Attempts had been made to cast imputations upon the House, as if they had shown a disposition to go out of their way for the purpose of asserting the privilege which had given rise to the present discussion. In his opinion nothing could be more unjust than such an accusation. The House had, on the contrary, been most patient under the attacks made upon their privilege. The consideration of the subject had been put off as long as possible. He very much regretted that the position in which the House were placed imposed upon them the necessity of dealing as he felt they must deal with the sheriffs; it would have been much better if they could have had Lord Denman at the bar; to that, however, there was a technical objection; but there was no objection to the appearance at the bar of Mr. Justice Littledale. The subject was one of unusual—he might say of unparalleled, interest, and there was no fact, no authority, which could be referred to upon such an occasion that ought to be deemed superfluous; but the authority to which he should refer was one of no trifling weight, and one, too, which he presumed the hon. and learned Recorder of London would listen to with respect, namely, the late Lord Ellenborough, by whom it was said that the thing was too plain for argument. (Mr. *Law* "What thing?") The power of the House to vindicate its own privilege. Nothing could be more certain than this, that unless the House retained and exercised the power of publishing reports of committees, it would be impossible for them to discharge the functions with which they were invested by the constitution in a manner advantageous to themselves and to the community at large, unless they had that power—and power and privilege were the same. Unless, he would repeat, they exercised that power-it would be idle for them to call themselves the Commons of England. He believed it incumbent upon every man to support the House of Commons in this assertion of its powers.

Mr. *Law* could not avoid saying a few words as to the position in which the sheriffs stood, as regarded this question. They had not attempted to oppose the authority of the House, but had merely done their best to act according to law upon the best advice they could get. It might have been supposed that, before any ordinarily constituted tribunal, the perfect innocence of the supposed offending party would have afforded an ingredient in the consideration of his punishment. But, unhappily, such was the peculiar constitution of the present tribunal, so precarious were its privileges, that whatever might be the degree of innocence or guilt of the party accused, it was conceived to be necessary to exert its power to the very utmost. In the present instance the sheriffs had merely acted as the Ministerial officer of the Court of Queen's Bench, and had executed the writ of her Majesty, which, according to his oath and the exigency of his office, he was bound to execute. Surely the peculiar position in which the sheriffs stood ought to be considered in deciding upon the degree of their punishment. He contended also, that the privilege of unlimited publication claimed by the hon. Member for Kilkenny, and other hon. Members opposite, was in itself productive of practical injustice. The words of the resolution of 1837 were,

> "That the power of publishing such of its reports, votes, and proceedings, as it shall deem necessary or conducive to the public interest, is an essential incident to the constitutional functions of Parliament, more especially of this House, as the representative portion of it."

Why, in 99 cases out of a 100, the papers of the House were published as a matter of course, and without the slightest previous consideration of what was conducive to the interests of the public. The wildest theorist who could persuade the House of Commons to grant him a select committee was at liberty to extract from witnesses whatever he might think fit, and such matter would be afterwards published by authority of the House, perhaps to the great detriment of individuals, without their having the advantage of cross-examining the witnesses, or the opportunity of defending themselves. There was nothing wha ever to prevent any matter, of whatever kind it might be, from going forth to the public sanction by the authority of the House. It was notoriously untrue that the House was at all cognizant of the contents of these publications, and he maintained that, before such unlimited publication was resorted to, some means should be taken to ascertain the truth or untruth of the statements so disseminated. But it might be said, that even although the facts might not be true, still the interests of the people required that the privileges of the House should be maintained. What! was it argued that a person aggrieved by the publication of an untruth should not be allowed the ordinary privilege of traversing the truth of the facts stated, and of proving them, if possible, untrue? On the broad principle of justice, ought any body, however important, to have the right of publishing libels on individuals, without those individuals being afforded the opportunity of proving the untruth of the facts so published? It was a monstrous exercise of tyranny to assume, although the contents of a publication might be unknown to the House, where there was, indeed, nothing on which the judgment of the House could have been exercised, that the House was to clothe its printer, whose service was performed for pecuniary profit, with an indemnity to secure him from the consequences of his illegal acts. The only legitimate foundation of the privileges of that House was, that they formed parcel of the law of Parliament and they were parcel of the law of Parliament only because they were parcel of the law of the land. Before he was prepared to concede such such a privilege as that now sought to be established by that House, he must have some better legal authority than a mere party majority—something better than the mere authority of a ministerial majority, aided by a very small fraction of the Conservative party. He was not prepared to yield the great constitutional doctrine, that the tribunal to whom you allowed the case to be referred, with a view to their decision on it, had not the power of examining into the merits of the case. He was satisfied, that this was not the law of the country; he was satisfied, that whatever might be the success for the moment of those who advised such a view of the law as had been adopted by the majority of the House, when time had been afforded, and when there had been experience of the matter, the voices of those who sent you here will determine this constitutional point. He was satisfied, that it was not a privilege enjoyed by that House; it was not enjoyed from the people, nor was it for the benefit of the people—on the contrary, that it was meant to oppress the people.

In fact, it was turning the arms against those who placed them in your hands; but they will have the opportunity of showing you, that they have the power of disannulling your acts in this respect, and that, although you may call yourselves their representatives, they will not support you in your proceedings. Time would teach Gentlemen opposite this lesson, and he was satisfied of this, without wearying the House with argument, which, indeed, had been exhausted by those whom he followed at a humble distance, and who had preceded him in the debate, in support of the side which he took. He had no hesitation in stating it as his deliberate conviction, that the arguments that had been put forth by the opposite side were not grounded on the law of Parliament, and still less on the law of the land. On the other hand, if he had had any doubts, they had all been removed, and he had been perfectly convinced by the able arguments of the right hon. Member for Ripon and his most learned colleague. No answer had hitherto been furnished to their arguments, either in point of law or reason, and he believed, that they were irrefragable. He was satisfied, that he should desert his duty to his constituents and the people, if he surrendered to the House such a power as was now demanded, and which he believed, in his conscience, was illegal and unconstitutional, and that it ought never to be exercised by the Commons House of Parliament. He had deviated a little from the petition, but not from the line of argument that had been pursued in that House during the present debate. He submitted humbly and diffidently in a matter of judgment, but he could not depart from a conscientious conviction as to the effect of this alleged privilege. He readily admitted, that the Attorney-general had argued the side that he adopted with great ability and learning, and he was not unmindful of the able and powerful speech of a late Member of that House, the present Solicitor-general; he was not unconscious of the merits of those speeches, but he had also heard the matter argued with great ability by the most learned advocates in Westminster Hall, the great majority of whom agreed in the opinion, that the course taken by that House was contrary to law and justice. In his judgment, as an humble constitutional lawyer, he believed, that if they persisted in the course proposed by the noble Lord, the Secretary for the Colonies, it would be a violation of the prerogatives of the Crown, an infraction of the rights of the courts of justice, and a subversion of the liberty of the subject. Before they endeavoured to bring into contempt those tribunals to which they might all have occasion to refer for protection against infringements of their rights and liberties, and by whom, under Providence, he believed, that the liberties of this country were rendered more secure than by anything else, he trusted that they would pause, and consider the probable consequences of their proceedings. In those courts of justice the judges that presided in the present day were in no respect inferior to their predecessors; and those courts, as in the worst of times in past ages, by holding the balance between party and party in their angry conflicts, might preserve and secure the liberties of the country. Before they resorted to this desperate act—before they proceeded to take this desperate step of committing persons to prison as criminals for only observing the oaths they had taken of performing their duty to those whose just orders they were sworn to obey—before they took this desperate step, he implored the House to pause and hesitate, and consider the consequences that were likely to ensue from bringing into disrespect and contempt the first judicial tribunal in the country. Having shrunk from taking any part in the first instance, and having at length proceeded step by step, the House allowed the matter to be referred to the decision of the court, and that having been against them, they had now taken it into their own hands, and appeared resolved to determine it in their own favour. Having made manifest the infirmity of the cause in the Court of Queen's Bench by the decision against them, and still more by abstaining from taking any other step to test the validity of that decision, which must be confirmed in the Exchequer Chamber, and confirmed in the House of Lords, before it was finally settled, they showed, that they feared the result by the steps they had taken. If this was not their impression, was it either honest or consistent to adopt the proceeding which they had against the mere Ministerial officers of the Queen for discharging the duties which they were sworn to perform? The House submitted the matter on the point of law to the decision of the highest common-law tribunals in the country, and when it was satisfied, that the case would be decided against it, and that the claim that was propounded was not tenable in law, but would be scouted in any court of justice in the country, was it just or honest to adopt the line of conduct that had been pursued? He trusted, that the House would yet pause, before it took the desperate alternative that had been proposed to them. He implored them, before they committed to prison those individuals who had been admitted by the leaders on both sides of the House to be void of all moral guilt, and who, in their proceedings, had afforded the House every facility and had given it every assistance, and had interposed every delay before they took any step which they were obliged by law to take, before they yielded to the orders of the legal tribunal which they were sworn to obey—to reflect well on the consequences that were likely to follow. He cautioned them against inflicting punishment on these individuals, who had manifested every inclination and had done everything in their power to obey them. He had further to entreat the House, that if they took a step of so arbitrary a nature, that they would put on record the reasons of the course they took, and in alleging that the parties had been guilty of a breach of their privileges, that the measure should be declared and submitted to public opinion, to which Gentlemen opposite professed themselves so anxious to appeal, and to allow it to decide, whether it were right or just thus to commit public officers of the Crown, for the conscientious discharge of an arduous duty. Tender as Gentlemen opposite appeared to be of the rights of the people, they seemed to forget, that the sheriffs were elected to their important offices by not less than 9,000 of their fellow citizens This privilege had been conferred upon the citizens of London by the Sovereign at a remote period. He would remind the House, that those sheriffs were elected by one of the largest constituent bodies in the kingdom, and they were sworn to the discharge of their duties, for the performance of which the House now assumed the right of punishing them. These officers were sworn to do right as well to poor as to rich in all things belonging to their office, and all that they had been charged with had resulted from the discharge of their duty. That they were anxious that their conduct should be void of offence to all, was made apparent not less by their examination than by the petition they had presented. They had proved themselves innocent of all lawful offence, but merely for declining to violate the oath they had taken to obey a judicial tribunal, they are to be committed to the custody of the sergeant-at-arms. It appeared to him, that the present proceeding was nothing more nor less than an attempt to extort so much money from the pocket of the sheriffs. You admit, that they have incurred no moral guilt, but you say to them, assist us to rob the plaintiff, and we will dismiss you, but if you refuse you shall be committed.

Mr. *Erle* would throw himself on the indulgence of the House for a few minutes in stating his opinion on this subject, as it was different from that generally entertained by the profession to which he belonged, and he would not be thought to withhold it because it was unpopular. It appeared to him, that his hon. and learned Friends opposite had misstated the question now to be decided by the House. He argued, with his hon. and learned Friend who spoke last, that the House was now sitting as a Court of Parliament with the view of adjudicating in the particular matter of Mr. Hansard, and of exercising their power in protecting him, and preventing his goods being taken away and handed over to Mr. Stockdale. His hon. and learned Friend had argued at great length against the resolutions of 1837. It might be true that these resolutions were wider than was absolutely necessary; but the validity of these resolutions to their full extent was not called in question in the present case. They had to consider only whether they were justified in protecting Mr. Hansard. His hon. and learned Friend had argued with respect to the evils of that House printing papers and documents without reference to their being true or false. He complained that this was a great evil, and said that they should not persist on this course of printing papers, as if that had anything to do with the present proceeding. They were told that public opinion was excited against them; but if it was recollected, that the publication complained of in the present case was one which was perfectly lawful, the alarm in the public mind might be lessened. In the first case of Stockdale *v.* Hansard, it was on the record that the matter went to the jury, as to the publication being a libel, and it was found by the jury to be perfectly true, and, therefore, in that respect the publication of the report in question was lawful, quite independent of the question of privilege. The defendant was justified in law in that publication, without resorting to the plea of the privilege of Parliament. The result of the first proceeding showed that, in this particular publication, Mr. Hansard was justified in printing it without reference to the privilege of that House. Any individual, without regard to the privilege of Parliament, was justified in printing what was true; therefore, in the proceedings that they had taken, they were not protecting a libeller, as had been assumed by Gentlemen opposite, but a servant of the House of Commons, in the discharge of a duty lawful according to the common law, independent of the law of Parliament, and they were protecting him from a person who had not been injured, but had been found on record to be a libeller of the most disgusting description, and entitled to no redress. The question, therefore, rested on narrower grounds than those against which the arguments of the hon. and learned Member for Ripon had been directed. A great portion of the debate had been occupied in endeavouring to establish the right of the House to publish its proceedings. This part of the case had been most powerfully illustrated in the eloquent and able speeches of the right hon. Members for Tamworth and Northumberland. He would not weaken their arguments by again going over the grounds they had had taken. They should remember that if public opinion was in a healthful state, they were likely to have good Government; but if it became corrupt, they might again have a bigoted and tyrannical Government. To protect them from the latter, it was necessary that the public mind should be kept enlightened; and, therefore, it was essential to the privileges of that House that they should have the right to give any information to the public at large. But that right could not be effectually exercised, unless other privileges of that House were protected, namely, the power of adjudicating on their own privileges, and of punishing any breach of them, either by direct act of obstruction, or indirectly, by resorting to legal proceedings. He submitted it was clear, that the House had alone the power of deciding with respect to the powers vested in it; and it was essential to their privileges that they should refuse the power to any court to decide what privileges they had. If they looked into history, it would appear that when a question of the kind arose it was adjudicated by the House, and it alone determined on the privileges that existed, and as to what were breaches of those privileges; and on any such determination the House, in the language of lawyers, committed the party in execution, and this was equivalent to a judgment of any other court. History furnished many illustrations of the evils that must arise from allowing other tribunals than themselves to decide on their privileges. He should like to know whether in history they had not authority for saying that corrupt judges had existed who had endeavoured to trample on their privileges, and who could say that such persons might not again exist. When the separation of the Commons from the Lords took place, before any question was adjudicated on by the judges, or before any matter was propounded in which the opinion of the judges could be taken, it was asserted on the first hour of their meeting that they had the privileges which they possessed in the present day, namely, that they had the right to all the privileges essential to the performance of their functions. It had been contended by hon. Members on the other side, that whether their privileges existed or not was a matter to be decided by the judges before whom the matter was to be brought for adjudication. He would appeal to the history of this country previous to the reign of George 3rd, when the judges were made independent of the Crown, and were no longer removeable at pleasure — was it probable that the privileges had been obtained from judges remarkable for their servility and subserviency to the Crown? In illustration of this, he would merely allude to such names as Jeffries and Scroggs, names infamous at all periods of history, and it was hardly to be expected that such persons would entertain any great regard or respect for the privileges of the House of Commons. Such men, who relied on the power of the Crown for their continuance in office, and who were utterly void of independence and character, being judges in their day, he would ask, whether it was probable that the privileges of the House of Commons were derived from that source? And although the remark was not at all applicable in the present day, still as a matter of history, they should consider whether such judges might not exist in the future. Although there was no probability of any such unhappy result arising in the present reign, still it was possible that a Sovereign with very different feelings might possess the Crown; and under a Sovereign resembling the Kings of former times, and being men of ferocious bigotry, who would say that they might not find it convenient to appoint such judges? If the privileges of that House were to be subject to the opinion of courts of law, was it competent for them to assert that that House had within itself privileges adequate to the discharge of all its functions? the judges could never give their opinion on a question of privilege, until it was brought before them, and it would be argued, how could the House have these privileges if they were obliged to refer to the opinions of others, and to get the arbitrator to decide in their favour, before they could exercise them? If they took the opinion of a lawyer upon any subject, he would not give it merely taking into consideration what judges had previously decided, or what his own judgment would be on the point, he must calculate on what would be the opinion of the judges who were to decide the case. It had been said that a committal under a Speaker's warrant could not be questioned in any court; but if the Speaker put the ground of committal in the warrant, it was competent for other courts to try the matter, if the action was brought for false imprisonment. Who would say that such a case might not arise in the present day, as Lord Denman had said that he differed from all the other judges, and agreed in the opinion of Lord Chief Justice Holt, that if the ground of committal was stated in the warrant, they had a right to question the legality of it, and a party might try the case in any court. Were they to have their privileges questioned under these circumstances, and were they to leave them on an uncertain footing, when they still determined that it was necessary that they should have all the powers necessary for the due discharge of their functions? The noble Lord, the Member for Hertford had argued that the whole question should be left to the decision of the judges, on the ground that the House had acted arbitrarily and unjustly in certain cases, and brought forward in illustration of this, the old stories of the rabbits of Lord Galway, and the fish of Admiral Griffith; but did the proceeding in these two cases justify their resorting to the extraordinary step of declaring that the judges should determine what was and what was not privilege? But in these two cases the man who took the rabbits and he who took the carp would probably have been dealt with in the same way before any petty sessions; but instead of this, it was made a question of privilege, and they were punished by a tribunal not exactly conformable to the law. He was not justifying the proceeding in the case, but the poacher and the purloiner of the fish were dealt with by the House in a way in which this House would not now proceed. Again, freedom of speech in Parliament was essential to its existence. Would the noble Lord or any other Member take the opinion of such judges as existed in Charles the 1st's time? For what was the opinion that they gave as to the extent to which freedom of speech existed in this House? He begged the House to consider well the rule laid down by this body as to the extent to which liberty of speech should be allowed. The question propounded to them was, whether a Parliament man committing an offence against the King or Council, not in a Parliament way, might, after the Parliament ended, be punished or not? The judges *una voce* answered "he might, if he be not punished for it in Parliament; for the Parliament shall not give privilege, *contra morem Parliamentarium*, to exceed the limits of his place and duty." And all agreed, that "regularly he cannot be compelled out of Parliament to answer things done in Parliament in a Parliamentary course, but it is otherwise where things are done exorbitantly, for those are not the acts of a court." Here was then an answer where a definite rule was required for their guidance as to the extent of freedom of speech. Who was to form the test of the extent of this? Why if any Member of Parliament spoke in any manner which a person disapproved, it would depend on the decision of a judge whether he should be proceeded against or not. This was the decision of the judges in the reign of Queen Elizabeth, which had been alluded to by the right hon. Baronet opposite, and strongly dwelt upon in the powerful argument of the Attorney-general, who deserved the gratitude of the country, notwithstanding the attacks of the other side for the way in which he proceeded in this matter. Again, they had the very remarkable case that occurred in the reign of Richard the 2nd, when the judges, in answer to questions from the King, said—"that if any Members of Parliament acted contrary to the King's pleasure, made known therein, they deserved death, and ought to be punished as traitors." He did not press this on the House as being likely to occur to that extent in the present day, but if unhappily, a king should come to the Throne who wished to put down the liberties of the people of this country, he had very little doubt of his being able to find judges in the nineteenth century nearly resembling those he had just alluded to. He sincerely hoped, that the House would not depart from the course their predecessors had ever pursued, and suffer their privileges to depart from them by submitting them to the decision of any other tribunal than themselves, for that would be the inevitable result, if they allowed the judges to decide what was or what was not Parliamentary privilege. The maintenance of the full privileges of the House was essential. Any abandonment of them would be productive of the utmost inconvenience and danger to the House itself and to the people it represented. In what a position would the House be, if it resigned to the courts of law the decision upon its privileges? Suppose that a Member of the House, in his place in the House, were to bring an accusation against some public functionary, some governor of a colony, for instance, and the party impugned were to bring an action for slander against the Member in a court of law, was the House of Commons, indeed, not to interfere and say, "It is our privilege to utter what we please in the House; we will not meet you in a court of law, and we will send you and all other parties to the suit to prison, if you dare to proceed;" or must the Speaker, as was contended by the minority on this question, go into the court of law and meet the parties there? What would be the result of this submission to the court of law? The Member would plead this justification, that he was a Member of Parliament, and that what he had said he had spoken in his place in the House; but to the Member thus meeting a party in a court of law the plaintiff might offer this opposition. He might, as he would be fully entitled to do, deny the justification, and bring into question the fact of the Member's being a Member, and this was a point which it might be excessively difficult for the Member to prove in a court of law. Was it to be said, that any person who chose to complain of a Member of the House in a court of law, was to be placed in a position of such advantage over the Member? Suppose that a Member of the House, as he was coming through the lobby happened to give displeasure to some person there, and the person chose to assault the Member. This would be an undoubted breach of privilege; the Member would probably come into the House, state what had happened, and the offender would be brought to the bar of the House, and in all probability be committed and taken away to prison. Was it to be permitted to that man so committed to impugn by course of law the validity of his commitment? Had he a right to bring an action of trespass against all the Members of the House who had voted for the commitment, and were all those Members to be placed under the necessity of justifying the manner to which he had adverted? Was it to be said, that Members were thus to be liable to an action of trespass in any county which the party might choose to select; or was it to be said, that the party might go with impunity, with success, before the quarter sessions, and indict the Member, and every Member of that House, for assault? Suppose such a bill found, and it would not be unlikely, under circumstances of public excitement, was it to be thought of, that the Speaker of the House of Commons should go, as go they must, before the hon. and learned Gentleman, the Recorder, at the Old Bailey, as defendants? He (Mr. Erle) would submit, that it would be utterly inconsistent with the due performance of the functions of the House, that any person, very possibly a wilful wrong-doer, should have it in his power to occasion this great inconvenience. True, the Attorney-general would have the power at any time of stopping any such proceeding; but was a point of such importance to depend upon the discretion of the Attorney-general for the time being? and was it to be left in the power of any person, of a Mr. Stockdale, for instance, thus to harass, and insult, and degrade the House of Commons? The hon. Member for Liverpool (Mr. Creswell), had argued, that the suffering judgment to go by default was necessarily an admission of wrong; but the hon. and learned Gentleman must recollect, that it had been decided, that the suffering judgment to go by default was not an admission of wrong, where the party who took the step did it because he intended to withdraw the case from the cognizance of the court. The present position of the sheriffs, between two opposite claimants, was no novelty for them: they had frequently to decide between two claimants, and if they made their election wrong they were answerable to the other party. He believed there was no Gentleman who voted with the noble Lord who did not lament, that anything should fall hardly on the sheriffs. But this was a question in which the whole people of England, now and for ages to come, were deeply concerned; and even though the result to-night might fall hardly on these gentlemen, the House, as trustees for this important privilege, were bound not to permit any consideration for individuals to interfere with the strict performance of their duty to the people of Great Britain.

Mr. *D'Israeli* said, as there were some cries of question, that he hoped those who were in the majority would allow the minority an opportunity of expressing the reasons on which their votes would be founded. The hon. and learned Gentleman who last addressed the House had referred to the conduct of the judges in the age of Charles 1st, maintaining the claim of privilege at present in issue. It was but fair in argument, if the hon. and learned Gentleman referred to the conduct of the judges in the age of Charles 1st, that he should be permitted to allude to the conduct of the House of Commons at the same period. To illustrate the exercise of privilege by the House of Commons, he certainly would not cite those familiar instances of a tyrannical, and, perhaps, somewhat ludicrous character, which had been alluded to by the hon. and learned Gentleman. But let it not be forgotten that the House of Commons, in that favourite age to which the hon. and learned Gentleman had thought proper to refer, considered as a breach of privilege, not only every species of conduct which was now considered as most befitting freemen, living under a constitutional Government, but, in fact, perpetrated every act of enormity and tyranny which the imagination could conceive. Let it be remembered, that the House of Commons in that very age fixed on by the hon. and learned Gentleman to decide this question, so far as the judges were concerned, appointed a committee to sequestrate, according to their arbitrary decision, the estates of the gentlemen of England, and the Members of that committee purchased at a price fixed by themselves the lands which they sequestered. That was the privilege of the House of Commons in the age of Charles 1st. Again, in that same age, the House of Commons had declared that any definition of the Trinity which did not agree with the opinion of the majority of that House, was a breach of privilege. Let the House remember, too, that in that same age of Charles 1st, the House of Commons called a fanatical Quaker to the Bar of the House: and because he entertained some opinions respecting some of the most abstruse mysteries of revelation which did not accord with the creed of the majority, they ordered him to be branded with a hot iron; he was then allowed to retire, and afterwards ordered back to the bar, and then because he persisted in the unfortunate mistake which the majority did not sanction, the House ordered his tongue to be bored through. This was another privilege of the House of Commons in the age which the hon. and learned Gentleman took as the basis of his argument. Let hon. Gentlemen remember, that the same House, in the plenitude of its power, after it had, by an exercise of its privilege, sent eight bishops to the Tower in one morning, when it met for the transaction of business and found it had nothing to do, but that a considerable sum had been paid into the Exchequer, voted that this sum should be distributed among the Members of the House. This was another of the privileges of the House of Commons in the age of Charles 1st, so quoted by the hon. and learned Gentleman. But, said the hon. and learned Gentleman, human nature will always be the same. We have had a Jefferies on the bench—we have had a Scroggs on the bench, and will you trust Lord Denman?—will you trust Mr. Justice Patteson? True, human nature was always the same; but, at least the hon. and learned Member would concede that the circumstances under which human nature acted might be different. The hon.

and learned Gentleman had destroyed his own argument. He said, that the judges so corrupt in former ages, were independent now of the Crown; but was there any difference in the House of Commons? No, the House of Commons was as powerful as ever—its independence as great — its ambition, he could answer for; and its tyranny he feared. The hon. and learned Gentleman seemed to object to lawyers entering into this debate, and certainly the hon. and learned Gentleman spoke less like a lawyer than any other Member he had listened to. Well, he differed from the hon. and learned Gentleman on a point of law, and he would cite the opinion of a Lord Chancellor in his favour. He was ready to enter upon the argument of the noble Lord, the Member for Stroud. [*Oh!*] How should he designate the noble Lord? He did not know what office the noble Lord filled; but the noble Lord had laid down the position, that the House of Commons were the judges of their own privileges, and that no one else could judge of those privileges but themselves. He was surprised that not in the whole course of these elaborate debates —not even in the immortal speech of the hon. and learned Attorney-general, which exceeded in length even that oration of his against treason, by which they had lately been enlightened, could he find any the opinions on this subject of a reference to a learned Lord Chancellor, than whom none had ever possessed a more perfect knowledge of the temper and tone of the House of Commons of his time — he meant Lord Clarendon. In the fourth book of his *History of the Rebellion* was a passage the whole of which he would not read to the House at length, though the whole of it was well deserving of the attention of hon. Members. Indeed, he considered that it was very important that the Members of that House of Commons should peruse it, but he would read a few lines. Lord Clarendon said:—

> "We are, say the Commons, and have been always confessed, the only judges of our own privileges; and therefore whatsoever we declare to be our privilege is such: otherwise, whosoever determines that it is not so, makes himself judge of that whereof the cognizance only belongs to us. And this sophistical riddle," pursued Lord Clarendon, "perplexed many who, notwithstanding the desperate consequence they saw must result from such logic, taking the first proposition for true, which being rightly understood, is so, have not been able to wind themselves out of the labyrinth of the conclusion. I say, the proposition rightly understood; they are the only judges of their own privileges, that is, upon the breach of those privileges which the law hath declared to be their own, and what punishment is to be inflicted upon such breach. But there can be no privilege of which the law doth not take notice, and which is not pleadable by and at law."

This passage, he contended, was perfectly apposite; and so was the case which the noble and learned author put by way of illustration:—

> "If I am arrested by process out of any court, I am to plead in the court that I am a Member of Parliament, and that by the privilege of Parliament my person ought to be free from arrest."

Lord Clarendon illustrated most luminously his position. He took the very case of the noble Lord opposite. But the hon. and learned Gentleman opposite told the House, that in this very case the argument failed, because if an hon. Member were arrested, it would be impossible, it was said, to have any redress without going before a jury, and submitting the question to their decision. From this he with the sanction of Lord Chancellor Clarendon's authority, altogether differed, because he apprehended that the Member in such case would be entitled to plead his privilege before the court, and so obviate the necessity of going before a jury. Lord Chancellor Clarendon still illustrating his position in his own person said:—

> "Upon this plea, the judge is bound to discharge me, and if he does not, he is a criminal."

Why, the very consciousness of the situation in which he was placed would compel any judge to discharge the Member upon his plea of privilege. A judge would never allow the question, whether the person claiming to be a Member was or was not in fact a Member of the House of Commons, to go before a jury. The proof would be obvious without that; for the fact would be easily ascertainable from the return of the clerk of the Crown. The right hon. Baronet near him (Sir R. Peel) had last night placed this question on the ground of necessity — a ground too wide for him to go into at the moment, and he would therefore pass it by—not forgetting, however, whose plea necessity proverbially was; but he would remark, that to say that the House of Commons must have these extraordinary powers, did not prove that the law was not what the appointed and sworn guardians of the law said was law, but only proved, if admitted, the expediency of a change of the law. If the constitution of the privileges of the House was not suited to the present state of things, and the altered condition of the people, then he (Mr. D'Israeli) said, change your constitution. He asked the House of Commons why they would not explain and express the reasons why the sheriffs are imprisoned? He considered this to be a most important consideration, for the question really at issue was, would they support the writ of *habeas corpus.* He said this was the real question at issue—if the House meant no more than that the sheriffs should go to what was called in a document on the table "the cell of the House of Commons." If they sent the sheriffs to that cell, then, he asked, would they be maintaining the writ of *habeas corpus?* That was the question for the House; that was the question with the public; that was the ground of the great agitation on this subject which prevailed out of doors. The people asked this. They could not enter into the question of law, and discriminate among the cloud of fallacies and sophisms which were put forward; but they felt that if these privileges were to stand, a man might be arrested and imprisoned, and that being so imprisoned, he could not be released by that process of law which had hitherto been deemed the safeguard of English liberty. The people, in short, felt that in that case the subject was utterly without redress. But in what situation did the House stand with respect to this business? Why, all parties agree that there ran one great blunder throughout the affair. Think of the champions of the privileges of the House of Commons—think of the men who were for sending sheriffs to cells, and committing the judges—think of them confessing that they had blundered throughout the business! Why, the hon. and learned Attorney-general never spoke of his appearance in court without tears of remorse. This was apparent through the whole of that lengthy oration with which he had lately favoured the House. But after blundering in the means, what was the result? The only result of all their proceedings was, to cause Stockdale to hire a decent coat to appear before them at the bar, and then, after a week's delay, to consign him to prison. But more; the hon. and learned Attorney-general had even succeeded in creating a feeling in the public mind in favour of Stockdale. The hon. and learned Gentleman in that had certainly done what no other person could do. This man, contemptible as he was, the hon. and learned Gentleman had made an object of some degree of public sympathy, by bringing him before the House. And what had been the hon. and learned Gentleman's conduct towards that man? He had even attempted, most unwisely, to create a prejudice against him by a reference to what he had done in other times—for what he admitted was a crime; but surely nothing could be more imprudent than to enter into such details. Then again, the hon. and learned Member for Dublin, with up-lifted arms, as though he were addressing 500,000 fighting men, had spoken in abhorrence of that printer and dispenser of obscene books. If the hon. and learned Attorney-general, and the hon. and learned Member for Dublin had been a little more conversant with the journals of the House, they would not have hazarded such a reference; they would have blinked that question. There was an instance on the journals of one who had been guilty, not of printing and publishing, but of writing obscene publications, and more obscene publications he (Mr. D'Israeli) would undertake to say, without having read them, than those put forth by Stockdale; yet that man, so stigmatized, and of a notoriously profligate career, even subsequently to having been convicted before a jury of his countrymen of having been the author of an infamous and obscene libel, he, thus stigmatized, was, nevertheless, returned to that House as Member for the Metropolitan county; and that individual in a contest with the House of Commons not only beat the House, but himself forced them to erase from their journals the very resolution by which they had expelled him. So much for the votes and resolutions of the House of Commons. Yet, if they erased the resolution which they had passed in this case, the hon. and learned Attorney-general said that they would stultify themselves. He wished that the hon. and learned Gentleman had been on the opposition side of the House when the appropriation question was disposed of. The hon. and learned Gentleman, he believed, had voted for what amounted to rescinding that resolution, had he not? But the hon. and learned Gentleman said, that the case was become one of a point of honour now, and that alone prevented him, he said, from retracing his steps. Now, he was glad to find that a certain degree of feeling remained in the House yet. He was also glad to see that no one could say that this was a party question; no one at least could say that it was a party question as far as he was concerned. Speaking where he did, in opposition to the right hon. Baronet below him, it was impossible to say that he had adopted this course but because he knew what the House of Commons had done, and he saw nothing in the present House of Commons to make him doubt what they would do. It was no argument to refer to the near balance of parties; the House of Commons was as nearly balanced when Clarendon, then Mr. Hyde, sat there. The Remonstrance, which was the test of party in those days, was carried by a majority of nine and no more, and that, as Clarendon adds, because some of the Cavaliers were absent. Let that be a lesson to some hon. Members in these days. Parties were equally balanced now. He was not one of those who, when reading of the terrific instances of the exercise of parliamentary power and parliamentary privilege, could be divested of his fears, by being told that these were records of a distant and comparatively barbarous age. He could not find in the present House any quality which could make him for a moment suppose it superior to that age which produced Hampden, Cromwell, Pym, both the Vanes, St. John, and Selden; nor could he discover any ground for believing, that in wisdom or eloquence the Parliament of 1640 was inferior to that of 1840. But he believed that there was much more similarity between them—in the grasping and ambitious spirit by which they were actuated. He, therefore, should resist their assumption of a privilege beyond all law. He had no wish to see a revival of the times of extravagant privilege, and as far as his weak voice could prevail, he should prevent it. He had no wish to have his property sequestrated or his person tortured, or to see a bold usurper walking up to the table of the House, and ordering them to "take away that bauble."

Sir *Francis Burdett* said, he would not detain the House long at that late period of the evening, and after so many speeches had been made on both sides, when in fact the whole battalion of argument pro and con had been brought forward to the greatest advantage, it would ill become him to touch on any of the points which other Gentlemen had so ably treated; but he could not help taking the opportunity of expressing his own sentiments, and, though far from being inclined—

> "Iterum antiquo me includere ludo;
> Spectatum satis, et donatum jam rude,"

he was unwilling to give a silent vote on this important proceeding. It did appear to him, if arguments in favour of privilege were allowed to have a preponderance, that the safety and liberty of the people—of every individual in the kingdom—would be entirely at the mercy of the House of Commons. He could not understand the kind of modesty with which the House, having been a party to the making of laws, could pretend not to be bound by them, and could reject as of no force (against their resolution) the acts of the three estates of the realm. If this doctrine were admitted, and if a simple resolution of the House of Commons, and that, too, of an *ex post facto* nature, could have such an effect, it would amount to a subversion of all principles of justice, and of constitutional law. He appealed from the House on this subject to the public, for it was a matter of public importance, and he was not afraid to say that the liberties of the country were at stake. The House seemed determined, with more than the *sic volo, sic jubeo, stet pro ratione voluntas* of a tyrant, to exercise a power of declaring an act to be a crime after it had been committed. This was the House of Commons; the reformed House of Commons; the House of Commons on which the people had peculiar claims, and from which they had peculiar grounds for expecting an indiscriminate and impartial administration of justice against all particular privileges or private rights, contrary to the public interests. If such conduct was to be suffered from them, the people of England were in a worse situation under the Reformed Parliament, than they ever were before, even when the House was composed in the objectionable manner in which it was formerly. When *Duncan* is murdered under the roof of *Macbeth*, the murderer exclaims—

> "He's here in double trust;
> First, as I am his kinsman and his subject,
> Strong both against the deed: then as his host,
> Who should against his murderer shut the door,
> Not bear the knife myself."

The House might say the same in their present attempt at violating the rights of the English people, which it was their duty — almost their sole duty — at all events, their paramount duty—to maintain. He had himself combatted formerly the exercise of the power which, under pretence of privilege, was attempted to be exercised, and he thought he had shown that the House was wrong, and had not the least foundation to stand upon. He had resisted the Speaker's warrant, declared it to be no warrant, and stood siege in his house rather than submit to it. His sole reason for that was to show to the country the illegality of the power of imprisoning Englishmen, exercised by the House because they had no legal instruments with which to enforce the order which they had issued. The privilege of Parliament was not different from any other. It was not necessary to go very far back to see how it arose. It was incidental to the peculiar situation of that House. In the time of the civil wars the House was compelled to make a bold assertion of privilege, and to wage war upon the prerogative; but after that time the humble claim of Parliament was, that Members might be enabled to do their duty to the public with security to their persons and property. One of the chief things condemned in the exercise of the prerogative before the civil war of 1641 was imprisoning men without assigning any cause, and the Parliament struggled to obtain the recognition of that right of Englishmen which, from time immemorial had existed, of not being imprisoned without having cause shown. This was the obnoxious power which the House now attempted to exercise. They attempted this in violation of the law, at a time when the law had not that universal respect which it ought to have. He remembered a time when such was the reverence for the law that a constable going amongst a crowd of people with his staff could at once disperse them. He had often seen such assemblages, which two or three constables were sufficient to disperse. The high claims to privilege were supported, no doubt, from most patriotic motives. But patriotism was of a different kind from what was formerly called so. There was a time when patriotism did not mean exciting the passions and feelings of the people against all the lawful authorities of the country. What did they now see,—in Ireland, England, or indeed in any part of the Queen's dominions? They found men, while they talked of peace, exciting in the people the most hostile passions against the lawful authorities and government of the country. Precursor, Liberator, Emancipator, whatever name they might bear, they were always remarkable for a close adherence to the good old rule, "put money in thy purse." A great deal had been said about the preparation of, he knew not how many, fighting men for the combat. He only hoped that he might live till the day they were brought into the field. But he asked again, what was all this about? It was intended that privilege should be a shield to the Members of that House, and not a sword to be used against the people. If this power, now claimed by the House, was considered essentially necessary, why not let it be recognized and established by an act of Parliament, instead of compelling men to submit to a resolution of the House of Commons which had not the validity of the law of the land? And supposing the privilege to be recognised by the law, where was the indignity in having the privileges and power of a corporate body declared by law; and, like these, of the King himself, if disputed, brought for trial before the highest court of judicature? The House could not remain in its present position. It could not advance in the course it was pursuing, nor retreat in any underhand manner consistently with its dignity. The Attorney General's exhortation to boldness reminded him of some of the French revolutionary leaders, Danton or Robespierre, whose motto was "*l'audace.*" Who ever heard of an Attorney General taking such a motto. At all events, boldness in opposition to the highest authorities of the law was peculiarly unsuitable at the present time when the safety of England was at stake, notwithstanding the learned Attorney General's boast at Edinburgh, that the wisdom of ministers had brought about the tranquillity of the country. The wisdom of Ministers had indeed produced a state of tranquillity and content something like that of the time when there were mighty fires in Kent and other parts of the country, during the administration of the Duke of Wellington; and which was the standing Whig argument to show the incapacity of his Government. This was, he thought, a time on which the House ought to show a proper reverence for the law, and not to be entering upon contests with the Court of Queen's Bench. It was for them, beyond all others, to set a salutary example to the people. As to those privileges of Parliament, of which he had heard so much, he did not think that they could be in a worse position; and what they ought to do was to take proper and legal measures for putting them on a right foundation. In the course, however, in which they were proceeding, they would soon find themselves surrounded by nothing but difficulties and disappointments. They were like persons going, as he believed, to the northern coasts of America, and who, when they thought they were nearing a point of land, found, as they believed they approached to it, that it was going still farther away from them. The place was, he thought, called "Point-no-Point." Such was the position of ministers; they were at Point-no-Point, and the further they seemed to advance the further were they receding from that point to which the people of England wished and intended them to be. Upon this question of privilege, they had the opinion of Cicero, who said of *privilegium,* that which he should now mention, "Nihil quod hæc civitas minus ferre possit"—nothing could be more pernicious, nothing more usurping, nothing more unfounded, nothing more pernicious to the party exercising it, and to the party suffering under it. Now, what were they doing here in vindicating their privileges?—punishing men who were bound to act in their ministerial capacity! That might be justice according to the Irish ideas of justice; but this he was sure of, that it was not English justice—that would be administered fairly and impartially to every man who sought for it, whatever might be his character. Here, in this case, the man that sought for justice might be the greatest vagabond that ever existed; here, he might be the most unaccountable vagabond that ever existed on the face of the earth, and yet, he said, what had they to do with that? The man called for the exercise of the law, and the less he was worthy of it, the more was it to the honour of the country which fairly administered it. The man appealed to the law. The Attorney-general also appealed to it. Why, the Attorney-general, in doing so, was a *particeps criminis.* The Attorney-general had appealed to the law, and there was an end to their dignity. But then the Attorney-general having done so, and then finding that the judges would not tell the clock exactly to his time, he afterwards withdrew his plea. But what did they do now? They did not venture to grapple with the Chief Justice—they did not venture to grapple with a man who might meet them, as Lord Holt had met them. It would be more becoming to their dignity and courage, than to assail those whom they had attacked. They ought to do this, and not let escape game that was too high, perhaps, for their wing to fly at; but by whom it would not be disgraceful nor degrading to them to be defeated. Here, after an action had been brought and not defended, but voluntarily abandoned, and that a jury had found a verdict and assessed damages, then came the Attorney-general to propose that the damages which had been awarded to Mr. Stockdale should be given to another party. How could the sheriff do that? It was not pretended that it could be done, and he therefore begged leave to take that opportunity to protest against their proceeding, and to declare that they were laying down a principle which could not be maintained. If the House of Commons did this, it would call down the public odium to a degree that they did not suspect: but whether they did or not, they would at least stand in the undignified situation of men who wished to do an injustice, and yet who dared not and could not maintain it. He called upon them, by acting properly, justly, and impartially, to sustain that character and uphold that position which they ought to maintain before the country.

Mr. *O'Connell;* To take a phrase from the hon. Baronet who has just sat down, I ask, "What is all this about?" It certainly is about, and about, and about everything, and seems very little to touch upon that which is the matter in dispute. As to his parenthetic allusion to myself, it has as much to do with the question as any other of the many ramblings of the erratic Baronet. I had once the infliction of his praise—I hope that never will occur again. Amongst all his wanderings I trust he will save me from that punishment, and I forgive him everything else. I now allude to him because on this point he has directly contradicted himself—if that could or can be an awkward predicament for him. Here he has found fault with the Attorney-general for what he has done; and now let me call your attention to certain resolutions passed on the 1st August, 1839. Permit me to read them for you:

> "That Messrs. Hansard, in printing and publishing the report and the minutes of evidence on the present state of the Island of New Zealand, communicated by the House of

Lords to this honourable House on the 7th August, 1838, acted under the orders of this House; and that to bring, or to assent in bringing any action against them for such publication, is a breach of the privileges of this House."

That is Polack's case. Now, who was it that supported that resolution? I heard the hon. Baronet support it standing at that end of the House. There, then, is the tyranny which he has denounced! There the oppressions of the people of England, which he has decried—the threatening men who are going to courts of justice for the vindication of their wrongs. The hon. Baronet supported it all—all—and yet here he is, alive and merry, to contradict it. Let it not be supposed that I misrepresent him. He made on that occasion a short speech—a very unusual thing, I own, with him. But then it was not only a short speech, but I admit also that it was almost the only occasion on which he has made a very rational speech, and one that applied to the point. It begins thus:—"Sir Francis Burdett"—he changed his name once—in that I think he was right. He has changed his nature more than once—and in that I think he was wrong. He said this:

> "Sir F. Burdett could not help feeling the extreme difficulty of the case, but agreed with the noble Lord, that the House ought to possess whatever power was necessary for the proper performance of its functions. The privileges of this House were not intended to be used as powers against other persons."

What! are you surprised at so little inconsistency as that? He continues:

> "But to shield the House against the exorbitant privileges of the Crown, which might be exercised so as to stop free discussion, and the free agitation of Parliament, the House, however, claimed privileges now which were not beneficial to the public. It could never have been in contemplation, that Members should be protected against arrest for private debt. But the object of Parliament had altered with the change in the state of the country. It used to be a regulation, that no proceedings in the House be reported out of it. This, among other things, had yielded to the alteration in the state of society. There was this difficulty in the way of the House, that when it once interfered, there was no means of knowing when it should stop. He considered the House should have all those powers which were necessary for the welfare of the public; and he should not, therefore, oppose the resolutions [cheers from the ministerial benches], which he thought rational and consistent with the proper respect for the liberty of the subject."

I now, then, make my bow to the hon. Baronet until his next "wheel about."

Sir *F. Burdett:* I beg to say, that I am not to be bound by the report, and besides the words, without the circumstances, are nothing at all; but, then, I see nothing inconsistent in it.

The House divided on Mr. Kelly's motion: Ayes, 99; Noes, 210: Majority, 111.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Capt.
Arbuthnott, H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Baring, hon. F.
Bateson, Sir R.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marq.
Broadley, H.
Bruce, Lord E.
Bruges, W. H.
Christopher, R.
Cole, Lord
Conolly, E.
Curry, hon. H.
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Duke, Sir J.
Duncombe, T.
Egerton, Sir P.
Eliot, Lord
Fielden, W.
Fector, J. M.
Filmer, Sir E.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, Captain
Goring, H. D.
Greene, T.
Grimsditch, T.
Grimston, Lord
Halford, H.
Hamilton, Lord C.
Herries, J. C.
Hogg, J. W.
Hope, H. T.
Hope, G. W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Serjeant
Jones, J.
Jones, Captain
Kemble, H.
Knatchbull, Sir E.
Knightly, Sir C.
Law, hon. C. E.
Lefroy, T.
Liddell, hon. H. T.
Litton, E.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Maclean, D.
Mahon, Lord
Marton, G.
Maxwell, hon. S. R.
Nicholl, J.
Packe, C. W.
Palmer, R.
Palmer, G.
Pattison, J.
Pemberton, T.
Perceval, hon. G.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Richards, R.
Round, J.
Rushbrooke, Col.
Rushout, G.
Scarlett, hon. J. Y.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Stormont, Lord
Sugden, Sir E.
Talfourd, Sergeant
Tennent, J. E.
Thompson, Alderman
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Wood, Sir M.
Wood, Colonel T.

TELLERS.

Kelly, J.
Godson, R.

List of the NOES.

Abercromby, hon. G. R.
Adam, Admiral

Aglionby, H. A.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. G. H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Lord Visc.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Collins, W.
Coote, Sir C. H.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crompton, Sir S.
Currie, R.
Curry, Serjeant
Dalmeny, Lord
Donkin, Sir R. S.
Duff, J.
Dunbar, G.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Erle, W.
Evans, G.
Ewart, W.
Ferguson, Sir R.
Fitzsimon, N.
Fleetwood, Sir P.
Fort, J.
Fremantle, Sir T.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Gore, O. J. R.
Goulburn, H.
Graham, Sir J.
Grattan, H.
Gregg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Harcourt, G.
Hardinge, Sir H.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hepburn, Sir T.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holland, R.
Hope, hon. C.
Horsman, E.
Howard, F.
Howard, P.
Howick, Lord
Hughes, W. B.
Hume, J.
Hutton, R.
James, W.
Jenkins, Sir R.
Jervis, J.
Labouchere, H.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, S.
Mackenzie, W.
Macnamara, Major
Marshall, W.
Melgund, Lord
Morpeth, Lord
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Oswald, J.
Palmerston, Lord Vis.
Parker, J.
Parker, R. T.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W.
Philips, Sir R.
Pigot, D. R.
Planta, rt. hon. J.
Ponsonby, C. F. A.
Price, Sir R.
Pryme, G.
Rae, rt. hon. Sir W.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Rich, H.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Colonel
Sandon, Lord
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J.
Seymour, Lord
Sheil, R. L.
Sinclair, Sir G.
Smith, B
Smith, G. R.
Smith, R. V.
Somers, J. P.
Speirs, A.
Stanley, Lord
Stanley, hon. W.
Stansfield, W. R. C.
Staunton, Sir G.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, R.
Surrey, Earl of
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Tollemache, F. J.
Troubridge, Sir E.
Turner, W.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P
Waddington, H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H.
White, A.
Williams, W.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Maule, hon. F.
Stanley, E. J.

Lord *J. Russell* moved that the sheriffs, having been guilty of a breach of the privileges of the House, should be committed to the custody of the Sergeant at Arms, and that the Speaker do issue his warrant accordingly.

Mr. *Kemble* feared that the result of the decision of that House would be one of serious consequence, whether they triumphed, or whether they failed. He would not discuss the question of privileges, as there were others far more competent to that task; but he would venture to say this, that whatever might be the result of their privileges, their character would be materially injured if they proceeded to enact what he must describe as a most fatal injustice. They were about to commit to prison men deservedly popular among their fellow citizens; men who held their office by election from the people; and that, too, when it had been admitted by everybody that their conduct had been most honourable, and that they had shown no disposition to act contemptuously by that House. It should be also recollected, that, in the former action brought by Stockdale, that House had sanctioned the payment of damages to Stockdale; and having thus actually paid damages under the former action, would they not be acting with the most flagrant injustice if, with this example before the sheriffs, they ventured to commit those two gentlemen to prison? He was sure, if they acted thus, they would damage themselves in the eyes of the country—they would be advancing pretensions injurious to the liberty of the subject; and whatever opinion he might entertain of the privileges of the House, he had seen enough in what had taken place on the floor of that House to convince him that their powers were arbitrarily possessed, and would be arbitrarily exercised. When a witness refused to answer a question criminatory of himself, and when he appealed to that House whether they would compel him to answer the question, he was told that that House was not to be bound by the technicalities of courts of law. Technicalities! why, they were the rules without which no individual would be safe—the rules which were the best protection of public liberty. He hoped the House would pause before proceeding further in such a course; and he, at all events, would offer his most decided opposition to the resolution moved by the noble Lord.

Mr. *Godson* begged for a moment to draw the attention of hon. Members to the personal conduct of the two gentlemen implicated in their present proceeding. On Saturday night the right hon. Baronet, the Member for Tamworth, stated that the conduct of the sheriffs had been most honourable, and all the Gentlemen on the other side of the House, whether calling themselves Reformers, Whigs, Radicals, or Chartists, concurred in the opinion of the right hon. Baronet. It was admitted on all hands that the conduct of the sheriffs up to that moment had been most honourable, and that they had interposed every species of delay before paying the money, in order that that House might have an opportunity of considering the subject, and taking such steps as it should think proper. Were men, who had thus acted, to be subject to, what he must call, an unlimited punishment? The session might last until next September, and yet it was proposed, perhaps, for the whole of this term to imprison these men, whose conduct had been admitted to be most honourable, just, and proper. But another question might arise. Suppose the rule should not be made absolute by the Court of Queen's Bench; then, of course, the money being in the hands of the sheriffs, might be repaid to the Messrs. Hansard. Ought not the sheriffs to have, at least, this opportunity before they were punished by the House, for the purpose of setting themselves right? But supposing the rule should be made absolute, and the sheriffs were ordered to pay the money to Stockdale, and refused to do so until an attachment sued, then a writ must be directed to the hon. Member for Finsbury, as coroner of the county, to take the sheriffs into custody. But to proceed farther, suppose the hon. Member for Finsbury, (Mr. Wakley), supporting the opinions which he had professed in that House, refused to attach the sheriffs, then the Court of Queen's Bench might direct a writ to take the hon. Gentleman, the coroner for the county, into custody; and if so, as might be the case, the question of privilege would come to be contested in the person of one of their own Members. Then would come the real struggle when the hon. Member for Finsbury complained of being taken into custody, and the sergeant-at-arms was sent to relieve him. This might be one of the consequences of their proceeding in the manner in which they were proceeding. He warned them to pause at the last moment; and in order to give them another opportunity of more calmly considering the question, he moved that the debate be adjourned till that day week.

Sir *E. Sugden* hoped, that his hon. and and learned Friend would not press this amendment. There must be some time when the minority must bow to the decision of the majority. He hoped, therefore, his hon. and learned Friend would enable the House to come to a decision upon the main question at once.

Mr. *Godson* would not press his amendment.

Amendment withdrawn.

The House divided:—Ayes 195; Noes 94: Majority 101.

List of the AYES.

Abercromby, G.
Acheson, Lord
Adam, Admiral
Aglionby, H. A.
Archbold, R.
Baines, E.
Baring, F. T.
Barnard, E. G.

Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Browne, R. D.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. G.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Lord
Clerk, Sir G.
Clive, E. B.
Collier, J.
Collins, W.
Courtenay, P.
Cowper, hon. W.
Craig, W. G.
Crompton, Sir S.
Currie, R.
Curry, Sergeant
Dalmeny, Lord
Donkin, Sir R.
Duff, J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Erle, W.
Ewart, W.
Ferguson, Sir R.
Finch, F.
Fitzsimon, N.
Fleetwood, Sir P.
Fremantle, Sir T.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Gore, O. J. R.
Goulburn, H.
Graham, Sir J.
Grattan, H.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Hardinge, Sir H.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hepburn, Sir T.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Hope, hon. C.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
James, W.
Jenkins, Sir R.
Jervis, J.
Labouchere, H.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington rt. hon. S.
Mackenzie, W. F.
Macnamara, Major
Marshall, W.
Melgund, Visct.
Morpeth, Visct.
Morris, D.
Murray, A.
Muskett, G.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
Ord, W.
Oswald, J.
Palmerston, Visct.
Parker, J.
Parker, R. T.
Pease, J.
Pechell, Capt.
Peel, rt. hon. Sir. R.
Pendarves, E. W. W.
Pigot, D. R.
Planta, rt. hon. J.
Ponsonby, C. F.
Price, Sir R.
Pryme, G.
Rae, rt. hon. Sir W.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sandon, Lord
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, B.
Smith, R. V.
Speirs, A.
Stanley, Lord
Stanley, W. O.
Stansfield, W. R.
Staunton, Sir G.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thorneley, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C.
Waddington, H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, H. R.
White, A.
Williams, W.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wrightson, W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Maule, F.
Stanley, E. J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Captain
Arbuthnott, H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bateson, Sir R.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marquis
Broadley, H.
Bruce, Lord E.
Bruges, W. H.
Christopher, R.
Cole, Lord
Conolly, E.
Corry, hon. H.
Cresswell, C.
Darby, G.
D'Israeli, B.
Duke, Sir J.
Duncombe, T.
Egerton, Sir P.
Eliot, Lord
Fielden, W.
Fector, J. M.
Filmer, Sir E.
Fitzroy, hon. H.
Forester, hon. G.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, Captain
Goring, H. D.
Greene, T.
Grimsditch, T.
Grimston, Lord
Hadford, H.
Hamilton, Lord C.
Herries, J. C.
Hogg, J. W.
Hope, H. T.
Hope, G. W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Jones, J.
Kelly, F.
Kemble, H.
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, T.
Liddell, hon. H.
Litton, E.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Maclean, D.
Mahon, Lord
Maxwell, hon. S.
Nicholl, J.
Packe, C. W.
Palmer, R.
Palmer, G.
Pattison, J.
Pemberton, T.
Perceval, hon. G.
Plumptre, J. P.

Polhill, F.
Praed, W. T.
Pringle, A.
Richards, R.
Round, J.
Rushbrooke, Col.
Rushout, G.
Scarlett, hon. J. Y.
Sibthorpe, Colonel
Smyth, Sir G. H.
Stormont, Lord
Style, Sir C.
Sugden, Sir E.
Talfourd, Sergeant
Tennent, J. E.
Thompson, Alderman
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Wood, Sir M.
Wood, Colonel T.

TELLERS.
Godson, R.
Freshfield, J. W.

The sheriffs were taken into custody.

Lord *John Russell* would then move, that the order with respect to the under-sheriffs be discharged.

Order discharged. The noble Lord moved that Thomas Burton Howard, the attorney of Stockdale in the case, be called to the bar.

Mr. Howard called to the bar.

The *Speaker :* What is your name ?—Thomas Burton Howard.

The *Speaker :* What is your profession? —I am an attorney.

The *Attorney General :* Were you concerned in the action of Stockdale *v.* Hansard ?

Mr. *Law* objected to the question.

Mr. Howard withdrew.

Mr. *Law* would certainly object to a course of examination involving the witness, with a view to his committal, though that course had been pursued with respect to other persons. If the House wished to put on the semblance of justice, they would not proceed with this examination at so unreasonable an hour. Hon. Members had been sitting in that House till half-past three this morning, upon a most harassing inquiry, and he contended it was most improper to enter upon any thing approaching to an adjudication of the case at that time.

Sir *Edward Sugden* asked what was the object of calling this gentleman before the House at all ? They had imprisoned the plaintiff, and Mr. Howard was only the attorney. They had not ventured to call the counsel before them, who had been as much guilty of a breach of the privileges of this House as the attorney. He objected altogether to punishing the attorney. As regarded the counsel, he repeated they had not called them to the bar, and he knew they would not dare to call them. Why did they not call Mr. Burchell ? Because that Gentleman acted in a judicial capacity, however humble.

Mr. *O'Connell* called the right hon. and learned Gentleman to order. The question they were discussing was whether a certain question should be put.

Sir *Edward Sugden* contended, that his observation was relevant, because the person who had been called should be examined. Though he had persuaded his hon. Friend (Mr. Godson) to withdraw his amendment just now, on another question, yet if that course were to be persisted in, he would support motions for adjournment all night. Was not the vengeance of the House satisfied ?

Lord *John Russell* rose to order. Though during the discussion of this question there had been many imputations thrown out against the House, and more especially against those who had taken a leading part in these proceedings, he had thought it more consistent with the freedom of debate to allow them to pass unnoticed ; but after the House had come to a deliberate decision, he thought it disrespectful to make use of such an expression as that which had just fallen from the right hon. and learned Gentleman in asking—was not the vengeance of the House satisfied ?

Sir *Edward Sugden* would tell the House very plainly that proceedings like the present were very apt to lead a man into warmer expressions that he would otherwise use. He felt indignant at the course of proceeding adopted by the noble Lord with respect to the person who has been brought to the bar. He did not think it worthy of the House to pursue the attorney in this cause. They had already committed the plaintiff and the two sheriffs—was not that enough to satisfy their privileges ? The vindication of their privileges was denied by the unanimous judgment of the Court of Queen's Bench, and by other eminent judges ; it was denied by the first lawyers of Westminster-hall, and it was denied by common sense. He thought the consideration of that fact should induce the House to pause in the extreme course of punishment which the noble Lord seemed to desire. He thought every thing had been done that was necessary, and having confined the plaintiff it would be unworthy in the House to confine the attorney. When the proper time came he would make a motion that Mr. Howard be discharged.

Mr. *Godson* begged to remind the House, that when the case of Baron

Smith was before the House, one of the charges against him was, that he had put a prisoner on his trial after twelve o'clock at night.

Lord *John Russell*, knowing that it was in the power of a minority, however small, to prevent the House from proceeding with any business by persisting in moving the motion of adjournment, would not enter into a contest with the hon. Gentleman opposite upon that point on the present occasion. If the examination of Mr. Howard were objected to at that hour of the night, he should make no objection to defer his examination till to-morrow. He begged to move, therefore, that the question now before the House be withdrawn, and also to move "that Mr. Howard do attend to-morrow."

Original question withdrawn, and the new motion put.

Mr. *Kelly* moved as an amendment that the House do now adjourn.

Lord *John Russell* observed that the hon. and learned Member's amendment would be useless for the purpose for which it was intended; because if he should succeed in carrying the adjournment of the House upon the present occasion, and thereby defeat the motion that Mr. Howard should be called to the bar to-morrow, it would still be competent to him to move that that gentleman be brought to the bar and examined at any time that he pleased.

Mr. *Kelly*, as long as the noble Lord persevered in selecting, as he thought, on principles of arbitrary caprice, the different individuals upon whom the vengeance of the House was to be directed—[*cries of "order"*].

The *Speaker* was sure that the hon. and learned Member would see that he was using expressions which were not parliamentary.

Mr. *Kelly* bowed at once to the decision of the Chair; but he could not allow a question to be put, as to whether more of her Majesty's subjects should be called to the bar for the purpose of examination and punishment for actions which he deemed perfectly lawful, without opposing it to the utmost of his power. After what the noble Lord had stated, he would not now divide the House upon the question of adjournment; but if the noble Lord, either to-morrow or upon any other occasion, should attempt to bring to the bar any other individuals for examination or punishment, he should certainly take the sense of the House as to whether this system of persecution should continue.

The question that Mr. Howard do attend at the bar to-morrow was then again put.

Mr. *Law* moved that the House do now adjourn.

The House divided on the question, that it do adjourn.—Ayes 39; Noes 113: Majority 74.

List of the AYES.

Acland, T. D.
A'Court, Captain
Archdall, M.
Attwood, W.
Attwood, M.
Bagge, W.
Bateson, Sir R.
Bruges, W. H. L.
Christopher, R.
Cole, Viscount
Darby, G.
Duncombe, T.
Egerton, Sir P.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Gladstone, W. E.
Glynne, Sir S. R.
Hamilton, Lord C.
Inglis, Sir R. H.
Knatchbull, rt. hon. Sir E.
Litton, E.
Mackenzie, T.
Mac Lean, D.
Maxwell, hon. S. R.
Nicholl, J.
Packe, C. W.
Pemberton, T.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Richards, R.
Rushbrooke, Colonel
Sibthorp, Colonel
Stormont, Lord
Sugden, rt. hon. Sir E.
Thompson, Ald.
Verner, Colonel
Vivian, J. E.

TELLERS.

Law, hon. C. E.
Godson, R.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Baines, E.
Baring, F. T.
Beamish, F. B.
Bernal, R.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bowes, J.
Broadwood, H.
Brotherton, J.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Clerk, Sir G.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Curry, Sergeant
Dunbar, G.
Dundas, C. W. D.
Dundas, F.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellis, J.
Ellis, W.
Fergusson, Sir R. A.
Fitzsimon, N.
Fleetwood, Sir P.
Forrester, hon. G.
Freemantle, Sir T.
French, F.
Freshfield, J. W.
Gisborne, T.
Gordon, A.
Graham, Sir J.
Greene, T.
Grey, Sir G.
Grimsditch, T.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Hope, G. W.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutton, R.

Jervis, J.
Kelly, F.
Labouchere, H.
Lemon, Sir C.
Loch, J.
Lockhart, A. M.
Lushington, S.
Mackenzie, W. F.
Marshall, W.
Melgund, Viscount
Morpeth, Viscount
Murray, A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Oswald, J.
Paget, Lord A.
Palmerston, Viscount
Parker, R. T.
Pease, J.
Peel, Sir R.
Pendarves, E. W.
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rae, Sir W.
Redington, T. N.
Rice, hon. E. R.
Rich, H.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Colonel
Sandon, Viscount
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Speirs, A.
Stansfield, W. R.
Steuart, R.
Stock, Dr.
Strutt, E.
Talbot, J. H.
Talfourd, Serg.
Teignmouth, Lord
Tennent, J. E.
Tollemache, F.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Westenra, hon. H.
Wood, G. W.
Worsley, Lord
Wrightson, W.
Wyse, T.

TELLERS.
Stanley, hon. E. J.
Parker, J.

Mr. Howard ordered to attend the House on the following day, and the petition of Messrs. Hansard to be then taken into further consideration.

RAILROADS]. Mr. *Labouchere* moved for the appointment of a committee to inquire into the management of railroads.

Mr. *Plumptre* wished to know whether a matter which had greatly shocked the feelings of the Christian part of the community was brought under the cognizance of this committee—he alluded to the travelling by railroads on Sundays.

Mr. *Labouchere:* This committee was in fact a revival of that which sat last year. The committee of last year had advised that another should be appointed in the present Session for the purpose of completing the inquiries which had been entered upon. With regard to the question put by the hon. Member, as he was not a Member of the committee of last year, he could not say whether the subject were noticed by them. He took it for granted, however, that the committee had an absolute discretion as to entering on the investigation.

Mr. *Warburton:* The hon. Gentleman might, if he chose, move for the appointment of a committee to prevent travelling by turnpike roads, cross roads, and footpaths on Sundays. Such a motion would be just as proper as that for preventing railroad travelling. The fair and manly mode of effecting the hon. Gentleman's object was to stop travelling of all kinds on Sundays. He hoped, when a number of attempts to interfere with the wholesome recreation of the people had been defeated, such an end would not be compassed by a by-path of this kind. He therefore further hoped that this would not form a subject of inquiry before the committee of this year, as it was not contemplated at the appointment of the last committee, and was not sanctioned by the words of the right hon. mover of the present.

Mr. *Pringle:* The reason urged by the hon. Gentleman (Mr. Warburton) against inquiry into the subject of travelling by railroads on Sunday had no force at all, for the modes of travelling to which he alluded were private, and that by railway was public. One was fairly the subject of public inquiry, the other was not.

Sir *E. Knatchbull* thought the committee ought to be first appointed, and it could then decide whether the subject alluded to could be brought under its cognizance.

Mr. *Hume* protested against the appointment of the committee with such a condition. He denied altogether that they had the power of determining by a side wind what the House had already disposed of.

Mr. *F. French* moved the insertion of the name of Mr. E. Tennent in the committee list. England, Wales, and Scotland were represented on the committee, but no Member from Ireland had been put on it. The Gentleman whom he named was of opposite politics to his own, and he named him; there was at present a railroad at work near Belfast.

The *Speaker* said the motion could not be made without notice.

Mr. *Labouchere:* As to the names of the Members of the committee, he begged to say that the only change he made in them was the substitution of his own name for the former President of the Board of Trade; and that of Mr. Easthope, a gentleman extensively connected with railroad property, for Mr. Childers, who stated he could not attend until Easter.

Mr. *Smith O'Brien* considered the systematic exclusion of Irish Members from committees as extraordinary, when it was considered that there were 105 in the House, and seventy-five of them supporters of the Government. He himself had no desire to serve on committees, but he did not see why men from Ireland of equal ability and disposition to serve the public should be treated in a different way from other Members. He gave notice that he should move for the addition of Mr. French's name to the committee.

Committee appointed.

HOUSE OF COMMONS,

Wednesday, January 22, 1840.

Minutes.] Bill. Read a third time:—Prince Albert's Naturalization Exhibition.

Petitions presented. By Mr. Ward, from Sudbury, and from Stansted Mountfitchet, for the Abolition of Church Rates; and for the Release of John Thorogood.—By Mr. Cartwright, from Harleston, for the Extension of the Church of England.

Malt Drawback (Scotland).] Colonel *Conolly* wished to know whether it was the intention of the Government to propose the repeal of the Scotch Malt Drawback during the present Session.

The *Chancellor of the Exchequer* said, it was a matter of great inconvenience to have questions put to the Government in reference to trade, as it was calculated to create alarm in the minds of those interested, and therefore, as a general rule, he had a great objection to answer such questions. In the present instance, however, he had no objection to state, that from information he had received from the Chief Commissioner of Excise relative to the Scotch Malt Drawback, he should not this year be prepared to introduce a measure for the repeal it.

The Penny Postage.] Sir *Robert Peel* reminded the Chancellor of the Exchequer that he had promised to lay on the table of the House such information as he could relative to the late arrangement of the penny post. He wished to know from the right hon. Gentleman when it was likely that that information would be produced. He also wished to know, whether the result of the experiment of the fourpenny postage would be set forth, and whether the papers would contain the number of letters posted in London every day since the introduction of the penny system.

The *Chancellor of the Exchequer* should be ready at all times to give the fullest information in his power upon the whole of the details of the experiments. With that view, before either of the experiments came into operation, directions were given at the Post-office, that for a given week, the number of letters posted throughout the country should be taken account of. Similar instructions were given when the fourpenny rate came into operation, and subsequently, again, when the penny rate was adopted. The return for the last had not yet been made, but he should be quite ready to lay on the table of the House at the present moment the return of the number of letters posted in a given week before the fourpenny rate was adopted, and also the return of the number of letters posted for a given week after the rate had come into operation. With regard to the other part of the right hon. Baronet's inquiry, he must say, that he doubted whether, at the present moment, he could afford any very accurate information as to the number of letters posted, and the amount of postage received day by day in the London district.

Sir *Robert Peel* thought it would be desirable, that the House should know the result of the last week of the experiment of the fourpenny rate, as well as the result of the first week, because he was induced to believe, that the honeymoon of those experiments would not yield a very fair test of their average productiveness.

The *Chancellor of the Exchequer* would be quite ready to furnish a return of the last week.

Privilege — Stockdale *v.* Hansard.] Lord *John Russell* moved, that the Order of the Day for the further consideration of Messrs. Hansard's petition be now read.

Mr. *T. Duncombe* wished to inquire, whether the noble Lord would have any objection to lay on the table of the House copies of the warrants upon which Mr. Stockdale and the sheriffs had been committed to the custody of the Sergeant-at-arms.

Lord *John Russell* believed that such a course was quite unusual. He had never heard of it being adopted on any other occasion. He begged to consider the hon. Gentleman's question further before he gave an answer to it.

Mr. *T. Duncombe*: Then I beg to move at once that copies of the warrants be brought before the House.

The *Speaker* intimated, that the hon. Member could not do so, as the Order of the Day had been moved.

Mr. *T. Duncombe*: It is most important that they should be produced, and if the noble Lord does not consent to produce them, I shall move for their production by way of amendment to the question now before the House. I understand that the warrants under which these parties have been committed to the custody of the Sergeant-at-arms do not state on the face of them the offence of which the prisoners have been guilty. The House has voted, that they have been guilty of a breach of privilege, but upon the warrant under which they are committed the nature of the breach of privilege is not stated. I maintain that this is necessary, if the proceedings in this instance are to be consistent, and in conformity with the usual practice of Parliament. As precedent is everything, I beg to give an instance where the offence of the individual committed is stated in the warrant. I allude to the case of Gale Jones, who was committed by order of the House on the 21st February, 1810, and I will read the copy of the warrant under which he was so committed. The hon. Member read the warrant, which was in substance as follows:—

> "Whereas the House of Commons have this day adjudged that John Gale Jones, having written and caused to be printed a certain paper containing libellous matter reflecting upon the conduct of the House, and some of the Members thereof, has thereby been guilty of a high breach and contempt of the privileges of this House, and thereupon ordered that the said John Gale Jones be committed," &c.

Here it will be seen, that the offence for which the individual was deprived of his liberty was clearly stated. I think that the courts of justice, and the public, have a right to know the ground upon which you are detaining the sheriffs and Mr. Stockdale upon this occasion, and more particularly, as it is generally understood that this is a new offence. The object of all punishment, as I understand, is to deter other individuals from committing a similar offence. Such being the case, I do not know how the public are to be made aware of what the crime of these parties is, unless it be stated upon the face of the warrant under which they are deprived of their liberty. I cannot understand, therefore, why there should be the slightest hesitation on the part of the noble Lord in granting my motion. If he does hesitate, it will certainly have another very bad effect upon the public mind. I can scarcely understand why he should refuse it, unless, indeed, he thinks the power and authority exercised on this occasion at all equivocal. For my own part, I think that the power and authority exercised by the House is equivocal, but I am obliged to bow to the decision of the majority. If you really think, that your commitment of these individuals will bear the light of day, I say, put it upon the face of your warrant, and let the world know what you have done. I therefore beg leave to move, "That copies of the warrants issued by Mr. Speaker for the commitment of John Joseph Stockdale, and of William Evans, and John Wheelton, Esqrs., be forthwith laid before this House."

Sir *Edward Knatchbull* could not think that the noble Lord would oppose the motion. All that they, the minority, now wished, was to see the legal instrument under which the majority had exercised the authority of the House.

Sir *Edward Sugden* owned he could scarcely believe, that which was palpable to his sense in what was passing before the House. He could scarcely believe, that the noble Lord would refuse to place before them a copy of a warrant of commitment ordered by themselves. The noble Lord was exeeedingly offended with an hon. Gentleman last night for calling him the prosecutor in this case. If, indeed, the noble Lord were not the prosecutor, he had, at all events, conducted the prosecution; and that any Member of the House, conducting a prosecution on the part of the House, should draw up a warrant of commitment, and then refuse to show to the House the instrument—[Lord *John Russell*: I have not refused.] He understood that the noble Lord had refused. [Lord *John Russell*: By no means.] Silence sometimes passes as a proclamation of intention. I put it to the House whether the noble Lord's silence, as applied to the motion of the hon. Member for Finsbury, was taken generally as a refusal to comply with it. I congratulate the noble Lord if he now takes a different view of the subject.

Lord *John Russell* observed, that the right hon. and learned Gentleman had commenced his address to the House without giving him an opportunity of explaining his intentions. The hon. Gentleman, the Member for Finsbury, asked him, without giving him any notice whatever, whether there would be any objection to lay before the House copies of the warrants under which the Speaker, by direction of the House, had committed these parties. He (Lord John Russell) stated, that he was not aware that such a course was usual, or had been adopted in any former instance, and he therefore said, that he should rather take some time to consider the question before he gave a reply to it. He did not know how the right hon. and learned Gentleman could interpret that into a refusal to produce the papers. Having taken time to consider, he now stated his opinion, that if the House wished for the production of the warrant of commitment, he should have no objection to its being laid on the table, but he did not think it advisable that the papers should be produced in such a manner as to insinuate that the House entertained great doubts of its own authority. He thought it objectionable, that this proposition should be brought forward as an amendment to the order of the day. With regard to the production of the warrant itself, he had no objection to it if it should be thought advisable, but he did object to it as an amendment on the order of the day. He would suggest, therefore, that the motion and amendment should be both withdrawn, and that the hon. Member for Finsbury should then submit the latter as a substantive motion.

Motion and amendment both withdrawn.

Mr. *T. Duncombe* then moved, that there be laid before the House copies of the warrants of commitment of John Joseph Stockdale, and of William Evans, Esq., and John Wheelton, Esq.

Motion agreed to.

Lord *John Russell* then again moved, that the Order of the Day for the further consideration of Messrs. Hansard's petition be read.

Sir *Edward Knatchbull* begged to ask a question of the noble Lord, in reference to the prisoners now in custody. Was it intended to detain them where they now were, or to remove them to some other place of confinement?

Lord *John Russell* replied, that he had at present no intention of proposing their removal to any other place.

Sir *Edward Knatchbull* wished to know why the noble Lord had come to that determination?

Lord *John Russell:* Because, having heard that it was intended to apply for a habeas corpus, he wished them to remain under the authority of the House while that matter was pending.

Order of the day read.

Lord *John Russell* then proceeded to say, that with respect to Thomas Barton Howard, the petition of the Messrs. Hansard stated him to be the attorney of Stockdale in this action; and the affidavit of the under-sheriff, as well as the petition, contained documents purporting to be signed by this Mr. Howard, as Stockdale's attorney. Now though, perhaps, this was sufficient, yet, to give Mr. Howard the opportunity of stating whether or not his name had been forged or improperly used, he thought it necessary to call that gentleman to the bar. He therefore now moved "that Thomas Burton Howard be called in."

Sir *Edward Sugden* rose to move as an amendment the addition of the words "to be forthwith discharged." He had hoped that a few hours' reflection would have induced the House to pause before they persisted in this course. He was not surprised at the seeming hesitation of the noble Lord to produce copies of the commitment, because the mode in which the case was conducted did not reflect the highest credit upon the proceedings of the House. The Attorney-general had stated, over and over again, if the order were made, the Sheriffs would have a good defence to present to the Court of Queen's Bench, in answer to the rule sought against them. That statement had considerable effect on the mind of the House. He had told the House not to rely upon that statement, and the event had proved that he was correct. He had also had occasion to state more than once what he believed to be the law, namely, that although upon the face of the commitment the cause for commitment was assigned, yet that no court of Westminster-hall would have power to grant a *habeas corpus.* That point had been so decided; and he believed it to be in accordance with the law of the land. But the Attorney-general, afraid of the case as it stood, and therefore afraid of stating the fact on the face of the warrant, framed a general warrant, and thereby absolutely withheld from the knowledge of the Court of Queen's Bench the cause of commitment. All that the court could know was, that an act had been done in breach of the privileges of the House. What that act was they had no means of knowing. They did not know what the thing was which the House regarded as a breach of privilege. Observe what the first effect of this had been. That day's proceedings in the Court of Queen's Bench would shew what the first effect had been. Upon a motion to make the rule absolute, the warrant of commitment was stated before the Court of Queen's Bench, and the court made this observation: that the motion before it was a motion of course, and that the fact of the commitment had not the slightest operation upon their judgment, or upon the case before them. No, how could it? For all that appeared on the warrant of commitment was, that the sheriffs had done some act in breach of the privileges of the House. There was nothing on the face of the commitment to tell the judges that the act for which the sheriffs were committed was an act done in obedience to the order of the court. The effect of this was to keep the Court of Queen's Bench, as a court of law, in utter ignorance of the real ground upon which the commitment had been made. Was this fair? If the Attorney-general were correct in his statement, that the order of the House would be a defence against making the rule absolute, at least the warrant ought to have upon the face of it that which would serve to acquaint the Court of Queen's Bench with the ground and cause upon which the committal was made. The reason for withholding this information was clearly to keep the Court of Queen's Bench in ignorance of the fact, that the act for which the parties were committed was an act committed in obedience to the order of the court itself. He could not conceive anything more derogatory, both to the honour and to the proceedings of that House, than the mode of withholding information from the knowledge of the court. Why was this course pursued? Simply because the House was afraid to state the real truth of the case. To come, however, to the question now more immediately before the House—would they, or would they not, after all that had passed, proceed to commit the attorney for his share in the transaction. The noble Lord could only wish to commit the attorney in order to be consistent with himself. But how far had the noble Lord already been consistent with himself? He wished to press this upon the attention of those who had voted for the committal of Stockdale and the sheriffs—namely, that it would be quite as consistent for them to vote for the immediate discharge of Mr. Howard, as it was for the noble Lord to assent to the discharge of Mr. France, Mr. Burchell, and several other persons, who in the first instance were ordered to attend the House, but to whose discharge the noble Lord had assented? In the first place there was the bailiff, who beyond all doubt must, in the noble Lord's view, have committed a breach of privilege. In the next place there was Mr. France, the under sheriff, who, according to the noble Lord's view, could have been no less guilty, seeing that in point of fact he had been the sheriff's adviser throughout. But Mr. France was allowed to escape. Then came Mr. Burchell, who had acted judicially in the matter. The noble Lord did not even venture to bring that gentleman to the bar. Why not? Because the noble Lord knew that by so doing he should be invading the judicial bench, even though it would be in the person of so humble an officer. The noble Lord was afraid to measure the weapons of the House against the legal power of the courts of law. The noble Lord had consented to discharge all these gentlemen; did he want more victims? The House had tried its power upon persons worthy in point of station of competing with it. In that respect the House had done not an unworthy act, if it had done an illegal act; but to pursue the attorney, who had merely acted in the way of his profession, appeared to him to be a most unnecessary and most undignified exercise of power. His object in offering these few remarks was to press upon the gentlemen who composed the majority, that they had already done everything that was necessary to a complete vindication of the privileges of the House, and to implore them not to persist in proceeding further. Had the noble Lord heard of the language which had been used by the counsel in the court this day? The counsel stated himself to be of his own knowledge acting contrary to the orders of, and in contempt of the resolutions of, the House of Commons? According to the channels of communication open to them all—[" *Order order*"] surely it was perfectly orderly to refer to the ordinary means of communication open to them all—according to the information furnished by those channels, the counsel, desirous, he supposed, of making himself a martyr in this case, professed himself acting in direct opposition to the resolutions of the House. But the court and the whole bar of England supported him in that view. The counsel, therefore, might very easily and cheaply make that statement, because he knew he should be responded to by a hundred counsel in succession, all of whom would make the same declaration. He called upon the House, therefore, to withdraw from the idle and unnecessary vindication of their power in this case. If they proceeded further they would only embarrass themselves a thousand fold, without establishing a single further point in their favour. The noble Lord had been asked whether he meant to remove the sheriffs from the custody of the Sergeant-at-Arms to a safer custody, and the noble Lord had replied that he had not yet made up his mind. Now he (Sir Edward Sugden) entreated the noble Lord not to remove those gentlemen from the cell of the House of Commons. Many Members of the House were desirous to pay their personal respects to the sheriffs, and it certainly would be a great convenience if those gentlemen were in a place in which the visits of condolence and of congratulation upon their conduct, which many hon. Members would be anxious to pay them, might be easily paid. He had no hesitation in saying, for himself, that he came with pain into the House of Commons, when he knew there were confined within its prison cells two honourable and innocent men. He was sorry to se ea petition, such as that which had come from Mr. Stockdale, dated from their prison cell. The commodiousness of the apartment might be everything that was proper, but that gave no alleviation to the mind of those who were bound within its walls. It was freedom that gave to the English mind contentment in the humblest cottage; but once bind him, even in a palace, and he became a slave. And yet in the prison cell of that House were confined, not only Mr. Stockdale, but the sheriffs of London and Middlesex, with whose conduct no one could find any fault; nay, of whose conduct he, for one, approved, as most honourable and just; and who, even if it were a breach of privilege, had pursued precisely that course which he should have pointed out to be pursued by persons in their situation, if he had had the honour of advising them upon it. The right hon. and learned Gentleman concluded by moving as an amendment, that to the motion of the noble Lord the following words be added—"for the purpose of being forthwith discharged from further attendance on this House."

The *Attorney General* said, it was with pain that he opposed the amendment of his right hon. and learned Friend. It could not be supposed that he had any ill-will against Mr. Howard. He had never seen that gentleman in all his life, and was wholly ignorant of his name and character; but he knew this—or at least had good grounds for believing—that Mr. Howard was the attorney who sued out the writ against Messrs. Hansard; that he filed the declaration, sued out the writ of inquiry, and that he prosecuted the action in every stage, with full knowledge that he was acting in contempt of the privileges of the House. Under these circumstances, he thought they had only one course to pursue. According to precedent and upon principle, what they had hitherto done was perfectly right. It was true, Mr. Stockdale had been committed! but if Mr. Stockdale was to be allowed to bring actions against Messrs. Hansard by means of the agency of Mr. Howard, what did the House gain by committing Mr. Stockdale? The object was to prevent similar actions, and they could only do that by proceeding criminally against those who were the instruments of such actions, in order that other persons, seeing the punishment inflicted upon Mr. Howard, might know what it was they would be liable to, and might be induced thereby to refrain from following his example. With regard to precedents, he himself, the other night, quoted many cases that had occurred, both in the House of Lords and in the House of Commons, for the course they were now pursuing. In Miller's case, which occurred in 1771, was stated by the committee to whom the question was referred, that the committing of the plaintiff and the attorney in the action was one means adopted by the House of Commons for maintaining its privileges. Why was the House of Commons to depart from that course of proceeding in the present instance? Had there been any signs of repentance on the part of any of the parties concerned for having committed this breach of privilege? Had his right hon. and learned Friend given any signs of regret that the privileges of the House had been invaded, or had he given them any encouragement to believe that, a future invasion of them would not take place. Had the judges of the Court of Queen's Bench expressed any intention to follow a different line of conduct to that which they had already pursued? His right hon. and learned Friend, had told them that, not only were the judges against the House, but the whole bar was also against them. Did not this make it more imperative that the jurisdiction or privilege should be increased by the House itself, because, if they had to entrust their privileges to the decision of the Courts of Westminster Hall, and not only the judges, but all the counsel, were unanimous against them, in what situation was the House of Commons placed? Not only, (according to his right hon. and learned Friend) were the present judges against the House of Commons, but all the bar, from whom the future judges who would have to decide upon the privileges of the House, would have to be chosen were against them. And this was brought forward by his right hon. and learned Friend as an argument why the House should surrender that jurisdiction which it had always hitherto possessed. It seemed to him, looking at the whole argument, that there was no room for hesitation as to the course they ought to pursue, and that they would stultify themselves as to the proceedings they had hitherto taken, if they did not follow them up by calling the attorney to the bar. His right hon. and learned Friend had made some observations respecting the form of the warrant in not setting forth the grounds on which the committal of the parties took place; but the more he considered that point, the more he approved of the course adopted. The hon. and learned Member for Ripon (Mr. Pemberton) had said, that if the cause were set out in the warrant for which the person was committed to the custody of the Sergeant-at-Arms, the courts of law could not inquire into its sufficiency. But Lord Denman has reserved to himself the power to inquire whether the cause set out in the warrant was sufficient or not sufficient to justify the House to commit the party. Now, he had no hesitation in saying, that with all his veneration for the opinions of the judges, on matters within their jurisdiction, he had not confience in the judges upon matters of privilege. They had decided against the House on the point of privilege contrary to the opinion even of the hon. and learned Member for Ripon himself, who had said, that the publication in question was an illegal publication. The decision, therefore, of the Court of Queen's Bench was wrong, and according to the opinion of that hon. and learned Member, the court, in a matter of privilege, had come to an erroneous and illegal decision. That, however, was not the opinion of the hon. and learned Member for Ripon only; it was the opinion of every English lawyer, who had spoken, except the hon. and learned Member for Ipswich, and even he shook his head! so that he was delighted to suppose that even he was not prepared to stand stand up and say that this was a sound and legal decision. But when he found there were such decisions made by judges, of the land, he owned he had no confidence in their judgments upon such a subject, and he, therefore, deliberately and designedly so framed the warrant that there could be no apprehension, that through any act of usurpation on their part, they would inquire into the power of commitment by the House of Commons. No hardship was inflicted upon any one by adopting this course. The sheriffs well knew what was the cause of their committal; Mr. Stockdale also knew why he was committed; and the public well understood the grounds on which the House had proceeded. The Courts of Westminster-hall would not complain for the cause being set out in the warrant, they had no right to review it. In Lord Shaftesbury's case an objection was raised that the cause of committal was not set out in the warrant, when it was held by the Court of King's Bench and the Lords, that it was not necessary, that it was enough to adjudicate that party had been guilty of a breach of privilege, and that for that reason he had been committed to the custody of the usher of the black rod. The right hon. and learned Gentleman had rather taunted him with having declared that the resolution of the House of Commons, ordering the sheriffs to pay the money back to Messrs. Hansard, would be a justification which the judges would allow to be good, and that the rule would be discharged. He begged to remind the House, that he never did state it to be his opinion, that the Court of Queen's Bench would sustain the privileges of the House by recognising the plea of justification; what he stated then, and what he would now state again, was, that he conscientiously believed that the resolution of the House was a good defence on the part of the sheriffs, and that the rule applied for against them ought to be discharged; and he could not be considered outrageously wrong even in the opinion of the learned judges themselves, for if he had been rightly informed, they had deliberated together near an hour before they pronounced their decision. If the judges hesitated, he might be accused in supposing that it was good ground for discharging the rule. He did not at all regret the course which he had taken upon this occasion. In the first instance he did place confidence in the judges with regard to the privileges of the House. He entertained the hope that they would have followed the precedents set them by their predecessors; but they had come to a judgment upon the question which he could hardly find any lawyer prepared to maintain. His confidence in the judges deciding upon matters of privileges had ceased. What, then, was the course the House were now to take? He considered that they were bound to exercise the powers vested in them, and to proceed in a summary manner according to principle and precedent, in order that they might defend their own privileges by their own strength. The power of committal was the weapon with which they were armed by the Constitution, and which, in their own defence they were fully justified in wielding.

Mr. *Freshfield* said, he would stand between his hon. and learned Friend and the House but for a few moments. The Attorney-general had thought it necessary to disclaim any feeling of ill-will towards Mr. Howard. He (Mr. Freshfield) begged to make the same disclaimer. He never saw that gentleman till last night; but being of the same profession he should feel himself disgraced if he withdrew himself from the question at the present moment, or if he declined identifying himself with any principle involved in the conduct that gentleman had adopted. It appeared to him that this was a question upon which the House might well hesitate. According to precedent, it was usual to commit the plaintiff, the attorney, the counsel, and the judges. He could easily understand why, if they proposed to commit all the other parties, they should commit the attorney among the rest; but he did anxiously press upon the House the extreme danger of making the distinction which it was now attempted to be made, of not touching the judges, not touching the counsel, but of taking into custody the lower branch of the law—imagining, he supposed, that that branch could be attacked with more success, in fact, with impunity, because they had less power and less sympathy with the public. He anxiously implored the House to consider the consequence of placing a person in a situation in which he could obtain no legal advice in reference to his legal rights. What possible complaint in the present case could be urged against the attorney which did not equally apply to the counsel with whom he himself advised? Was it to be endured, that any subject of this realm should be placed in a situation not to be able to obtain advice when in need of it, and that he should be driven to act in his own person, without the benefit of that discretion with which a professional man could furnish him? But it really appeared that the time of the House was wasted in their acting as they now did; because the House might be assured that any person having a right would never be in want of a professional man to have that right asserted in every court into which it could be carried. Mr. Howard might be committed, but if that could prevent him from persevering in the discharge of his duty, he believed there were hundreds of men in his own rank of the profession, who would feel themselves disgraced if they did not afford all the legal assistance to any gentleman who might have occasion for it, and which it was in their power to render. He almost thought indeed that it was in the power of a court of justice to enforce against an attorney, as one of its officers, on order that he should render that assistance to any man so in need of it.

Mr. Sergeant *Talfourd* said, it was most painful to him on this occasion to vote against the opinion of his hon. and learned Friend, the Attorney-general, and against those who formed the greater part of the majority on this question, and in whose political opinions he was in the habit of concurring, but he felt that he should be wanting in his duty to his constituents and to the profession to which he belonged if he allowed a vote upon this most great and mighty question to pass without saying a few words. He had been deterred hitherto from taking any part in these debates, partly from the unaffected reluctance he always had to intrude himhimself on the indulgence of the House, and partly from feeling the justice of the complaint which had fallen from a noble Lord on the opposite side of the House, with respect to the technical habits of the profession to which he belonged being likely rather to embarrass than assist the judgment of others. But the question had now arrived at a point at which professional technicalities, and the quirks and quibbles of the law could no longer impede the view. They had got far beyond the period in which any professional habits of professional men could be indulged. They had arrived at a period of higher and deeper considerations — of more momentous and awful prospects —in the presence of which all professional prepossessions must fade away. They were arrived at a point of a great and stupendous crisis. When he felt that in that House it had been his lot to hear to-night his hon. and learned Friend, the Attorney-general, for whose earnestness and singleness of mind, as well as learning upon this matter, he had the greatest respect and veneration ; but when he had heard the Attorney-general to-night arraigning the judges of the land—not in respect of the authority they had usurped, but in respect of the judgment he himself had invited them to pronounce—for not having decided with him after an argument of three days, unexampled in the profession for legal knowledge, for fertility of illustration, and for richness of research — when he had heard the noble Lord whom he saw opposite yesterday arraigning those judges, almost in similar terms; and when—which he confessed pained him most of all—when he heard the great leader of the great Conservative party of this country, whose life had been devoted to the earnest maintenance of their ancient institutions—when he heard that right hon. Gentleman most delicately, most kindly, and most respectfully, he granted, taking judgment after judgment of those venerable judges, and commenting upon them in the kindest spirit, so far as the right hon. Baronet's intentions were concerned ; but the very subjecting of them to that commentary must, as it seemed to him, at least, show the tremendous nature of the contest in which they were engaged—when such powers, such feelings, such genius, and such associations, were directly arrayed against the majesty of the law, and the judges of the Queen's Bench, he felt justified in saying that they were arrived at the point of a great and stupendous crisis. The question upon which they were now conflicting was no less than this, whether the serene majesty of the law as it had been recognized for ages in its various departments, was to be maintained, or whether the judgment of a fluctuating popular assembly, in perhaps a nicely balanced state of parties, liable to all the tumults and passions which belong to public debate— the members of which were not bound to be present at the discussions—nay, who decided oftentimes, as he believed they had decided upon the question of commitment in this case, without having heard the whole of the evidence or the debates; whether the one or the other was the power which was to prevail. The question was no less than this ; and when extreme cases were put in reference to that question, and he was asked what the House of Commons would do if the judges were to decide this or that, his answer was, that if the privileges of the House of Commons were really part and parcel of the law of England, although one court might have erroneously decided against them, the court, in the highest resort, they were bound to believe, would decide in their favour. If they were to judge by the language that had prevailed in these debates, one would suppose that we were living in a state in which each court was in one perpetual struggle with the rest; in which, as in olden times, the Court of Queen's Bench was trying to encroach on the jurisdiction of the Court of Common Pleas, and the Court of Chancery on both. But that was not the position of things now. There was no contest now between the Court of Chancery and the courts of law; nor between the House of Commons and the laws of England. If the judgment of the Queen's Bench were indeed wrong, and in the judgment of the great body of the profession wrong, why did not the House of Commons in this case follow out the course which they were invited to pursue? If the other judges of the land really differed from that judgment, why did not the House, by writ of error, take the question into the Exchequer Chamber, and have the judgment reviewed? Why did they pause, and say they would take the judgment of the four judges of the Court of Queen's Bench, and now, because that judgment was unsatisfactory, declare they would not proceed any further? He would not, at this period of the debate, when the arguments were nearly exhausted, go over any of the grounds touched upon by those who had preceded him; he would simply apply those considerations he had ventured to throw out to the particular question now before the House. The question of privilege, as far as the majority of that House could decide it, must be taken for the present as decided. They had determined that a breach of privilege had been committed; and the question was, were they now to use it with respect to the particular party now to be called to the bar? He had not heard the Attorney-general give any reason why this individual was singled out in preference to the under-sheriff, the counsel, and the judges of the Court of Queen's Bench, who had acted with a knowledge of the fact that the House had declared the action to be a breach of privilege. He could well conceive that there were cases where a breach of privilege might be more quickly visited on the attorney than on the party. He could conceive a case in which an attorney might bring some eighty actions against as many newspaper-vendors, by which it might be thought the attorney brought into question the privileges of the House; and where the House could not get hold of the plaintiff, or, getting hold of him, he might not be sufficiently known to the public to make an example of. But here they had got the plaintiff, and had confined him, and whom they and the public knew full well:

> "Great let me call him, for he conquered *us*."

This being the case, was it worthy of the House to visit the attorney with punishment for merely exercising his profession? Passing by the judges and the counsel (for they would pass them by), they were seeking to visit the humble attorney with their displeasure; letting *I dare not*, wait upon *I would*. He prayed the House to consider whether they were establishing their own character, or a safe precedent, by exercising that which was, beyond all doubt, a despotic power. When they were about to exercise the power which, by their second resolution, they had determined did belong to them, and which he would venture to affirm contained within itself every ingredient which the most despotic power of Tartary or of Turkey could produce—he would ask them whether it ever came across their minds to reflect that while the despotism of one man was capable of being softened and subdued by the circumstance that he was human—that he had his feelings, his relentings, his sympathies; while they, the House of Commons, would show a combined body, coming filled with all their legal points and high notions of privilege, but leaving their human hearts behind them, they were setting a precedent now which in aftertimes future Houses of Commons might follow out in a worse spirit? The right hon. Baronet the Member for Tamworth—who delivered a speech which certainly, if anything could have convinced him of the correctness of the right hon. Baronet's views, would have convinced him—in rather dim and indistinct terms intimated his apprehension that they of the present day had degenerated somewhat from their great predecessors, whose powers and genius had illustrated and shed a lustre on the debates held within those walls. He would pray the right hon. Gentleman to recollect, that if they had degenerated from their predecessors, they still adhered to the principles of the constitution; and he would ask whether it did not come across his mind that at a future and a distant day, what they were now doing might lead to the realization of that conflict and those difficulties and dangers of which he himself had spoken? Did not the right hon. Baronet see the possibility of a future House of Commons being capable of abusing the precedent they had now set up, and of perverting the resolution they had passed to the worst and most destestable purposes? The right hon. Baronet had said that he saw in the vista that they could not stop short of legislation; that he foresaw that the conflicts and the 'difficulties and the dangers that must ensue would lead to that result. Why not try legislation before those difficulties and dangers came? The right hon. Baronet might be assured that "to that complexion they must come at last." He would only implore the right hon. Gentleman, and those who supported him, to pause and consider whether it would not be well, before they engaged in this deep and desperate conflict with the authorities of the law, before they sought to render their sanctity cheap in the common eye, which, in the experience of his hon. and learned Friend the Attorney-general, they all knew how dear and how valuable it now was; before they did that, ought they not to anticipate all those results, and begin that legislation in which the right hon. Baronet plainly saw they must end? If the right hon. Baronet's worst fears should prevail—if it should be that there should be a chasm where the House of Commons once stood—his earnest belief was, that those who should write its history would not record its fall from too light or too gentle an exercise of its privileges, but rather from too violent an assertion of them in defiance of the great body of the people who sent them there—in defiance of that public opinion to which they all appealed—in defiance of that public on whose behalf those privileges were claimed—and in defiance of every feeling, every reasonable, and every thinking man, who believed that they were going too far in seeking to punish those who had committed no offence, either against God, or towards man.

Sir *Robert Peel* assured the hon. and learned Gentleman that it was not inconsistent with the sincere respect which he entertained for his character or talent, if he suggested to him that the more appropriate occasion for the speech which he had just delivered would have been on the night preceding the last, and immediately after he had made his speech. The question now being exclusively whether Thomas Howard should be called in, the hon. and learned Gentleman had taken this opportunity of answering a speech which had been made on a night when he himself was present listening to the debate, and when the debate did not conclude at an hour which precluded the House from listening to any answer; but two days afterwards the hon. and learned Gentleman made a speech, and inflicted on the House the painful task of listening again to him. For himself he deemed it consistent with the principles which he had ever professed, if he attempted to maintain for all the great institutions of the state the privileges which they possessed. The question here was whether the House of Commons was entitled to a privilege which he believed to be essential to the due performance of its functions; and he believed that he was adopting the true Conservative policy if, under the impression that the claim was well founded, he attempted to maintain those privileges. When had he shrunk from his duty when any attempt had been made by the House of Commons to encroach on the privileges of other bodies? When such attempts had been made upon the privileges of the House of Lords, or the privileges of the Crown, he had ever stood forward boldly to resist the attempts. That course he had pursued, that course he would continue, if he believed that any attempt were to be made to rob the House of Commons of any privileges to which he conscientiously believed they were entitled from long prescription, and which were required by necessity. In this case, as in the other cases, he had acted upon the same principles; he had attempted *stare super vias antiquas;* and he had attempted the vindication of the privileges of the House. It might be said that he had alleged the tyrant's plea—necessity. He had quoted the opinion of Lord Denman. Lord Denman had said, that if the privilege were necessary, it could be justified; and if he could show that this privilege were necessary for the energetic performance of their duty as a House of Commons, Lord Denman had granted that the House of Commons possessed it. He had then attempted to show, taking it for granted that what Lord Denman had stated was true, what he conceived to be strict logical deduction, first, that this privilege was essential to the energetic performance of their duty, therefore that they were in possession of it, and that they had no guarantee for its continuance unless the House could vindicate its privilege itself; and, in taking this course, he thought that he was only giving effect to the resolutions to which the House of Commons had itself come. Was the hon. and learned Gentleman aware of the resolution to which the House of Commons had come? If the House of Commons had changed their opinion, if they had altered their views, let them state it; let them rescind their resolution, but let not the hon. and learned Gentleman accuse him of absurdity, if he presumed that resolutions carried by a majority of 120 to 4, and which were unaltered, continued to be the opinion of the House. On the 1st of August last the House of Commons had had read to them the resolutions of 1837. [Mr. Sergeant *Talfourd:* I was not here.] That was what he complained of. Here was a great constitutional question to determine, a difficult point of law, in which the House was to come to an opinion as best it could, and till the House made an alteration in its resolutions, which embodied its opinions, he presumed that to that opinion they adhered. But the two resolutions of 1837 were read. Sir Frederick Pollock, Sir William Follett, the Attorney-General, the late Solicitor-General, indeed all the great legal authorities in the House, were placed on the committee selected to consider this great constitutional question; that committee sat to consider the question, and concurred in those resolutions. Was there one dissentient voice? There was one, for whose character he (Sir R. Peel) entertained the highest respect; but he was not a lawyer—it was his hon. and learned Friend, the Member for the University of Oxford. The House confirmed the resolutions by a large majority, and in 1839 it acted on the precedent of 1837. There had been ample time for revision. Why had not the hon. and learned Gentleman warned them of their danger? Why, when he saw that the House could not maintain the privileges, why did he not ask them to rescind the resolutions—why did he not give them timely warning that they could not be maintained? Would it not have been a wiser course to have at that time given this warning, rather than to say, when they were called upon to adhere to the engagements which had been made, and when they were called upon to act upon their own resolutions, that they should shrink from their duties? Two years had passed, and there then came in 1839, after the House had had ample time for deliberation, and to determine upon its resolutions, a person who wrote to say that he intended to bring an action against the printer of the House of Commons for the publication of a libel. The resolutions of 1837 were read. The petition of the Messrs. Hansard was read, and the House of Commons resolved that Messrs. Hansard, in printing and publishing a certain report and minutes of evidence, acted under the orders of the House, and that "to bring, or assist in bringing, any action against them for such publication, would be a breach of the privileges of the House;" and it further resolved "That Messrs. Hansard be directed not to answer the letter of Charles Shaw mentioned in their petition, and not to take any step towards defending the action with which they were threatened in the said letter." The House passed these resolutions by a majority of 120 to four. He then looked at the minority. They were persons who, in their individual capacities, were entitled to every consideration; but why—after maintaining the two actions when the House was menaced by an action from Mr. Polack—why did not some legal authority join immediately in resisting the course that was proposed. How did it happen, after all that had passed—after the action had been decided against them without pleading; after, in the second action, they had pleaded and failed, when the question was what course the House should take in the third action, that the House of Commons determined that it would be a breach of privilege to institute such an action, and that they afterwards resolved that Messrs. Hansard should not plead to it? How did it happen that the four men in the minority against those resolutions were only Sir Thomas Acland, Mr. Benjamin D'Israeli, Mr. Thomas Duncombe, and Mr. Wood, the Member for Middlesex? Not one legal authority in the House of Commons joined in the vote against those resolutions. He must say that he thought it rather hard that the hon. and learned Gentleman should attack him, an unprofessional man, for acting as he had done on what seemed to him to be the privileges of the House, when he had reason to believe that he had with him the almost unanimous opinion of the House, as tested by that vote. He thought that it would have been the more proper and the juster course if the hon. and learned Gentleman had attended upon that occasion, and then given the solemn warning which he had now offered. He confessed to the hon. and learned Gentleman, notwithstanding the eloquence of his observations, that he differed from the hon. and learned Gentleman. He confessed that the tendency of that speech did not diminish his apprehension of the consequences which would have arisen from an immediate acquiescence in the right which was claimed by the courts of law; for the hon. and learned Gentleman had censured him, not for any disrespectful allusion to the judges, but because he had in the kindest—in the most respectful, and in the most delicate manner, ventured to give some opinion on the decision the judges had given—the kindest the most respectful, and the most delicate manner; and yet such was to be the Parliamentary subserviency to the courts of law, that even in that kind and respectful, and delicate manner, the questioning of the judgment could not be permitted. What did he question? Had he not said, in the first instance, with regard to any observations he might make on the judges, that he would not be disrespectful? Did he not say, however strong were his feelings—did he not make a preliminary apology—that if he said one disrespectful word, he would regret it? Why did he refer to their judgment? To show that acquiescence, on the present occasion, would not ensure absence of collision; for although the judges had admitted that they had a right to publish their proceedings for the use of the Members of the House, yet, if the Members disclosed any one of the papers which was thus entrusted to them, that an action might be maintained against them. He had quoted the opinion of Mr. Justice Littledale, and of Mr. Justice Patteson; the opinion of Mr. Justice Littledale, to show that although a Member might be entitled to papers, yet that he had no right to circulate any defamatory matter; and of Mr. Justice Patteson, to show that the only means left to the Member to prevent an action was to burn the papers, and he had done so to point out the extent and the character of he claim that was made. Did he not attempt to show that if a Member had voted 20,000,000*l.* for the abolition of slavery, an action might be brought against such Member if he attempted to disclose the grounds on which such grant was made? Might he not also have stated that the House of Lords were liable to action for the transmission of their own papers to the British Museum. If this doctrine were founded in law, a Member would be unsafe in almost every act that he performed. Was it not legitimate to shew the courts of law that the House was the exclusive judge of its own privileges, and that if the claim of jurisdiction over their privileges, which was now first brought forward, were allowed, it would not extend alone to the Court of Queen's Bench, but that every court in the kingdom that had competent jurisdiction to maintain an action for libel had the same power as the Court of Queen's Bench. Therefore, if the law, as it was laid down by the Court of Queen's Bench were correct, every Member that justified his vote of 20,000,000*l.* for the abolition of slavery to his constituents, and who explained to them the grounds of that vote, would be liable to action or indictment, not only in the Court of Queen's Bench, but in every court of inferior jurisdiction that was competent to entertain an action or indictment. Was not that the law as it was laid down? Was that not the principle contended for by the judges? Did he not say that? Did he not say, that if the Queen's Bench entertained the question, other courts might? And did not that court say that a publication to Members might be privileged, but that they were not privileged to make any communication of the contents to their constituents? They did. He got that from the hon. and learned Gentleman. If that were so, then if Parliament were not sitting, and a Member should communicate to his constituents the evidence which led him to vote twenty millions for the abolition of slavery, that Member, Parliament not being sitting, would be liable to an action for libel in every borough court and in every court of quarter session in the kingdom? Did this not follow from the decision of the judges? If it did, would not the hon. and learned Gentleman admit the propriety of the privilege for the right performance of the functions of the House? And, if this communication were just and proper, was not a case of necessity made out? Would the hon. and learned Gentleman say, that the House of Commons and that the Members of the House of Commons could properly discharge their functions, if they were subject to this liability of prosecution? Would the hon. and learned Gentleman tell him if the responsibility placed by the judges of the Court of Queen's Bench applied to the circulation of evidence? If so, he would take the case of Kenrick. Could not the evidence even be shown to a friend? Did the hon. and learned Gentleman admit that? If he did, the hon. and learned Gentleman admitted that the Chief Justice of the Court of Queen's Bench himself was liable to an action. If that class of publications were not privileged—if the papers against the judge Kenrick were not privileged, then an action might be brought by that judge against another judge for reflection cast upon his character. Lord Denman himself moved that that evidence be printed. At that time the practice of sale did not exist, but the matter of sale did not interfere with the right, or make any difference. Did the hon. and learned Gentleman think that it was consistent with the energetic performance of his functions as a Member of the House of Commons, when Lord Denman was asked by his constituents why he moved an address for the removal of a judge, if for the vindication of that motion he would be liable in every court of quarter sessions in the kingdom for the publication of a libel? Would not such a consequence follow from the judgment now given? Had he not, then, reason for believing that this privilege was essential to the due performance of their functions as Members of the House of Commons, and that it would be an unjust interference with the performance of their duty to render them liable to any action or indictment for attempting to justify that performance to their constituents. Those were the points on which he wanted an answer. Those were the points he had never heard answered; and he must confess, with the utmost respect for the judges, when they told him that Members of Parliament might have the right of printing and publishing for their own use, but that they could not circulate defamatory matter without being liable to an action for libel, that if such were the law, rather than permit the authority of the House of Commons to exist upon that foundation, he for one would abdicate his functions. He for one would not submit to the performance of his public duty, if he thought that he could not justify his conduct to his constituents, without being liable to an action in every borough court and court of quarter sessions in the kingdom. He held that that was the law as now laid down. If the hon. and learned Gentleman denied it, let him show where the authorities interfered with it. If the Members of that House were to incur that responsibility, if the Members were told they were liable to an action, it would be impossible for them to perform their duty; and he believed, that it would be better to have no popular assembly whatsoever as a constituent part of the constitution, than to have existing a popular assembly calling itself by the name of a popular assembly, and having the semblance of a popular assembly, and yet deprived of those privileges which were necessary for the performance of its duties. The whole question, in point of fact, was whether it was the law of England that a publication made by order of the Speaker of the House of Commons, and printed under the authority of the House, and printed by the printer of the House, was a privileged communication or not? Would the hon. and learned Gentleman maintain the doctrine as it was held by the judges? If not—and he must observe that he had not heard a single lawyer maintain it, although it had been maintained by his hon. Friend the Member for Oxford—if there was not one lawyer who upheld it—did the hon. and learned Gentleman seriously believe that if the publication of papers for the use of Members were privileged, that the privilege of publication as regarded others could be denied? If that were so, could he be surprised at the consequences which must follow from the opinions of the judges. And he confessed that he was unwilling to trust this or any other of their privileges to any exclusive jurisdiction, or any exclusive power. He had admitted that the conduct of the sheriffs was entitled to all praise; that they had given their evidence with great candour, but nothing could be more injurious than that, in consequence of the personal conduct of individuals, however unexceptionable it might be, they should take no steps against them. No court would have the power of discharging its duty unless it discarded the first strong impulses of humanity. But if a consideration of humanity were a legitimate appeal, what appeal was there for Mr. Hansard? Suppose Mr. Hansard in addressing the Chief Justice of the Court of Queen's Bench, had said, "I am only a subordinate officer, exercising no discretion upon this matter, depending for my bread upon obedience to the orders of the House of Commons. I have received the orders of the Speaker of the House of Commons for what I have done; why do you strike at the mice and the small deer? There are, I will not say the wild beasts of the forest, but much higher authorities than myself; under their direction I have acted, they are responsible for the orders they have given; don't drag me, an unfortunate officer, to prison, don't make me responsible, but attack the Speaker of the House of Commons, and the House of Commons, under whose authority I acted, itself." What answer would the Lord Chief Justice have given, supposing Mr. Hansard had presented a petition, and said, "Do not make me liable, don't amerce me in money, don't imprison me in body, but attack the Speaker of the House of Commons?" Would not Mr. Hansard show by such a statement and such a petition that he was morally exempt from blame, and that there could be no greater hardship than to amerce him in money, or to imprison him in person? But he would have been imprisoned notwithstanding. If a return had been made by the sheriffs of *nulla bona*, would not a certain writ, called a writ of *capias ad satisfaciendum*, have been immediately issued, and would not Mr. Hansard have incurred the very fate which the sheriffs have now incurred? Would not Mr. Hansard have been committed? That was what reconciled him to do an act which was most revolting to his own feelings—that was what reconciled him to the committal of an act of individual injustice, which nothing in his opinion could justify, except that it was his firm conviction that there were no other means of vindicating the House of Commons; and he assured the hon. and learned Gentleman that nothing but the intimate conviction that the vindication of their own privileges by their own authority was absolutely necessary for the maintenance of those privileges, would induce him to take this step. He confessed he did feel a difficulty after taking the step which appeared to him to be necessary, and when his opinion had undergone no change, in shrinking from the use of any and every instrument which the law and the constitution had placed in his hands. He did not deny that ultimately it might be impossible to succeed, he had never denied that the powers of the House were imperfect. Had he not said, that the courts of law would, as he had assumed, have assisted the House in its privileges? But when it had been proved, that the courts took a different view, and would take from them and not assist them in the vindication of their privileges—when he saw this, though he did not deny that their privileges and their powers under the constitution were incomplete, though he did not then deny that they might be obliged to resort ultimately to some other authority; yet, at the same time, he would not refuse to exercise any power which as he believed, the law and the constitution gave him, and it would be a consolation to him, if they should be driven to resort to legislation, that he had not lost or compromised the exercise of any less important privilege, by shrinking from his duty, or by abandoning the use of any power which he believed the constitution of the country gave to that House.

Mr. *Darby* must again say, most unwillingly, that he was not convinced by the arguments of his right hon. Friend, nor could he reconcile his right hon. Friend's speech with his speech on the same subject delivered on the 17th of June, 1839. His right hon Friend then said,—

"It was proposed to proceed against the ministerial officer who was to be placed in this anomalous situation—that if he levied in conformity with the decision of the court, that House would commit him for a breach of its privileges; and if he obeyed that House, and did not levy, the Court of Queen's Bench would commit him for disobedience. It would be more consistent with the boldness of proceeding which had been recommended, if they held that the court and tribunal had been guilty of contempt, and to commit them if they persisted, instead of proceeding against the ministerial officer, who was bound to obey the orders and decisions of the court. It was a bad and dangerous example to set, to direct the ministerial officer not to obey the law of the land. What was the course that the House had pursued? It submitted to the tribunal; the House had the power of stopping the proceedings at once, by telling the individual who was plaintiff in the cause, that he had no right to go to any other tribunal than that House, as it was the only judge of matters involving its privileges; and that, if he persisted, he would be committed. The House, however, allowed and instructed its officer to plead, and directed counsel to appear for him before the court. The Attorney-general appeared and argued the case for three days in the most able manner. They allowed the court to consider the case, and to believe that they submitted the matter to its decision, and that they were willing parties before it; and in confirmation of this view of the case, he would ask, how did the Attorney-general conclude his speech to the court? Why, in a manner to confirm such an opinion in the minds of the judges. The hon. and learned Gentleman concluded in these words: 'My Lords, for these reasons I pray judgment for the defendants.' It was proposed, however, that the officer who acted for the sheriff of London should be committed if he levied execution. Was this the proper step to take after the course the House had allowed to be pursued?"*

He did not quote this to prove any inconsistency in his right hon. Friend, but simply as requiring, in his mind, some explanation. He was exceedingly glad that his right hon. Friend had not the conduct of the case, instead of the noble Lord, because if he had, he (Mr. Darby) and those friends who acted with him would have been in a much worse position than they now were. He did not, he repeated, rise for the purpose of exhibiting any inconsistency upon the part of his right hon. Friend, but because he conceived it to be highly important that the country should be enlightened as to the real opinions which his right hon. Friend entertained, and for the purpose of showing to the House that he himself had only maintained that course in respect to this subject which he had always pursued.

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* Hansard, vol. xlviii. Third Series, p. 357.

Sir *R. Peel* said, that he would at once freely enter into an explanation of his conduct, if the House would accede to him the opportunity of doing so; and he thought that when he had done so the House would agree with him that there were some certain subjects upon which it was of importance that the country should be enlightened. The hon. and learned Member said that it was highly important that the country should be enlightened upon this subject. Why that was the main ground of his previous argument, and if it was necessary that a person in his position, honoured as he was by the confidence and support of a great body of Gentlemen, should declare his opinions in that House, it was still more desirable that they should be fully explained to the country at large. He was not there as the lukewarm advocate of the privileges of the House. All the vocabulary of abuse heaped upon the supporters of those privileges last night by the hon. and gallant Member for Donegal made little impression on his mind; and all he asked for now was permission to exercise the privilege of explaining his conduct, and he thought that he should convince his hon. and learned Friend, the Member for Sussex, of the danger of making imperfect quotations. The hon. and learned Member said that he did not charge him with inconsistency; but even if he had done so, he begged to assure him that that would not have altered the feelings of friendship which he entertained for him. Now, he would proceed to the speech of June 17, 1839, and he wished every hon. Gentleman who should be similarly charged would be able to give such a refutation to the allegation made against him. In June, 1839, they were discussing what they should do in the case of "Stockdale *v.* Hansard", the Attorney-general having pleaded to the action. He had said that his advice had not been acted upon, for that he had advocated the committal of the plaintiff in the action, and then, after having referred to the case of "Burdett *v.* Abbott", he went on to say,

"What was the course the House had pursued? It submitted to the tribunal. The House had the power of stopping the proceedings at once by telling the individual who was plaintiff in the cause that he had no right to go to any other tribunal than that House, as it was the only judge of matters involving its privileges, and that if he persisted he would be committed for contempt. The House, however, allowed and instructed its officer to plead, and directed counsel to appear for him before the court. The Attorney-general appeared and argued the case for three days in the most able manner. They allowed the court to consider the case, and to believe that they submitted to its decision, and that they were a willing party before it; and, in confirmation of this view of the case, he would ask, how did the Attorney-general conclude his speech to the court? Why, in a manner to confirm such an opinion in the minds of the judges. The hon. and learned Gentleman concluded in these words,—'My Lords, for these reasons I pray judgment for the defendants.' It was proposed, however, that the officer who acted for the sheriff of London should be committed if he levied the execution. Was this the proper step to take after the course the House had allowed to be pursued? As regarded his opinion on the subject matter under consideration, he had no hesitation in saying—(now here was his inconsistency)—that he believed that its privileges were essential to the usefulness of Parliament, and he did not think that they could sit with honour or advantage to the country for a single evening without them. If they might be questioned in the Court of Queen's Bench, there was nothing to prevent their being questioned in every subordinate court of judicature in the empire. If they allowed it to be supposed that any court could determine on what occasions their privileges were justly exercised, they only held their privileges by sufferance, and they had better attempt to suspend the exercise of their privileges than attempt to exercise them at all."*

"If a similar case occurred to-morrow, he would recommend that the House should deal with it without hesitation, and determine that, as a case involving its privileges, it should not be submitted to a court of judicature. In such a case there would be a proper exercise of the authority of the House of Commons when it committed for contempt."†

He could not see, then, how he was chargeable with inconsistency. He would fairly own, however, that such a question as that would have little weight with him, for he had no hesitation in declaring that he was not always to be haunted with the ghost of Hansard, and that if he saw the importance and necessity of a change in any case, not involving any great question of principle, he should have little difficulty in adopting it.

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* Hansard, vol. xlviii. Third Series, p. 358.

† Ibid 359.

Mr. *Godson* said, that he would now endeavour to draw back the attention of the House to the subject which was really under discussion, because the right hon. Baronet who had just sat down had said nothing at all in allusion to the case. He conceived, that the House was in possession of the real facts as concerned Mr. Howard, to whose committal it was proposed that the House should now proceed; or at least they were considering the question upon a false assumption that that person was the attorney in the case from the commencement. Such, in reality, was not the fact; for, by Mr. Hansard's petition, it appeared, that the writ was sued out by Mr. Stockdale in person, and that it was only the subsequent proceedings which were carried on by Mr. Howard. The hon. and learned Attorney-general had argued the case as if the process had been sued out by Mr. Howard, and as if he had been the person who counselled the plaintiff to bring the suit; but that was not so, and the action having been once commenced he had no option but to proceed when called upon. He was the officer of the court, and was compelled to discharge the duties imposed upon him by his situation, and if the House were to come to the decision which was proposed, they would in effect declare, that no British subject should be entitled to profit by the advice of a professional man. Had they forgotten the memorable case of the Queen of England? Was it to be inquired by the counsel in that case, whether her Majesty had committed treason or not, before they gave her their advice? No such proposition could for one moment be maintained; and yet, according to the argument now employed, it was the duty of this attorney of the Court of Queen's Bench to inquire whether his client had committed a breach of the privileges of that House. The situation of attorneys and counsel would be the same; but the maintenance of the independence of the bar was necessary for the safety of the lives and of the liberties of her Majesty's subjects. The House could not interfere with the independence of the bar, without at the same time touching the power of the judges. The hon. and learned Attorney-general had declared his want of confidence in the five judges of the Court of Queen's Bench, and the same court had been spoken against by the Leader of the Liberal party, and by the Leader of the Tory party; but let him remind the House, that on Saturday next those five judges might form a part of a majority, who should decide that the point of law reserved in favour of the three unfortunate men who were convicted at Monmouth was untenable, and who might consign those unhappy individuals to the scaffold as traitors. He traced out this fact only as illustrative of the position of those who had voted in the majorities on this occasion. What was it that they had said of Mr. Howard? They admitted that he had the authority of the five judges of the Court of Queen's Bench for what he had done, and then they proposed to commit him because he had acted upon that authority. They said, in fact, it shall be right for the judges to be wrong, but if the attorney is of the same opinion we will send him to prison.

Mr. *Bernal* said, that with great deference to the opinion of the hon. and learned Gentleman who had last spoken, he had touched upon no arguments which had any very great bearing upon this subject. What the judges might do, or what they might be likely to do, in the case of Mr. Frost, could have very little to do with this motion, and he imagined, that it required all the ingenuity of the hon. and learned Gentleman to introduce that point in the observations which he had addressed to the House. The hon. Gentleman had proceeded at too rapid a gallop, for he said, that the question now before the House was that of committing Mr. Howard; but he begged to remind him, that that was not really the subject under discussion; but they were now inquiring, only whether that person should be called to the bar of that House. He said, that it did not follow as a necessary consequence that he would be committed; for circumstances might arise in reference to him which would render further inquiry necessary. He begged to say, that at this moment, after the long discussion which had taken place with respect to this original transaction, and its consequences, it was now too late to enter into a general argument. He had an opinion upon this subject, having been a Member of the committeee which had sat up stairs; but it was of little importance that he should now state what that opinion was. He had endeavoured to take a mitigated view of the question, and he lamented the necessity of adopting that course which he had taken in the votes which he had given; but he was not to be deterred, by any idea of popular feeling or clamour, from pursuing his own line of conduct. What was it to him, if, as a Member of the British Parliament, he was satisfied that for the advantage of the country the privileges of that House must be maintained in the manner pointed out? It was a consequence which flowed from the circumstances of the case. They had no other course to pursue than that which they had adopted; for, if they were determined to support their privileges, they must proceed in the line which they had taken. The hon. and learned Member for Ripon pointed out as a remedy for the evil which existed that a declaratory Bill should be passed, and he had himself, while attending the committee up stairs, supported a similar proposition, but it was too late now to adopt any such measure. They had taken one course, which they must carry out, unless they desired to manifest cowardice, or something worse, professing a belief that they possessed privileges which they could not sustain. He would not detain the House, but he might be permitted to say, that he had heard no Member attempt to assert that this was a privilege which was not worthy to be maintained. He contended that it was a privilege which was most essential and most valuable, and he would put a popular illustration of its importance to the House. In the case of a Member representing any large borough, supposing a publication took place reflecting upon some member of the municipal corporation, was it not exceedingly important that the Member should have the opportunity of communicating with the person libelled, and of sending him the papers? He conceived that on that ground, if on that only, the House would at once admit the importance and the necessity of maintaining this privilege. With regard to the appearance of Mr. Howard at the bar of the House, he considered that it was most important that he should be called in, in order that some inquiry might take place as to his real position. It might turn out that the employment of his name was unauthorised by him; that its signature to the papers in the cause was a forgery; but at the same time that he suggested this possibility, he did not hesitate to express his opinion, that if no such ground of excuse arose, it would be the duty of the House at once to proceed to commit him as having been guilty of a breach of the privileges of the House. They could not affect Mr. Stockdale, unless they operated on the legal instrument whom he employed; and if they excused Mr. Howard in this case, that excuse would be a direct warrant to any other attorney whom Mr. Stockdale might at any future time employ. With regard to the observations which had been thrown out as to proceeding against the judges, he for one was ready to declare that he should be extremely sorry to take any such step: but if he found that privileges of this importance could only be maintained by the adoption of that ulterior course, he was the last man who would shrink from it. He knew nothing of the learned judges, except in their judicial capacity—he knew them to be men of intelligence and experience; but when he had heard that no lawyer had attempted to defend the judgment which they had given, he could not hesitate as to the proceedings which, in his opinion, ought to be taken. He had been sorry to hear terms applied to their proceedings, by designating them as arbitrary, tyrannical, unjust, and oppressive, and which evidently were only used with the view of exciting the public clamour. Hon. Gentlemen opposite talked of public opinion being against them; but was the mode of proceeding that had been adopted by them here pursued with the view of getting up public opinion? They well knew that

> "Coming events cast their shadows before;"

and could hon. Members opposite say that by their conduct and language they had not endeavoured to point the barb of public opinion against the majority of that House, for the course they had considered it to be their duty to pursue? An hon. Friend of his who had addressed the House justly observed, that such terms as tyrannical, unjust, and oppressive, which had been so freely applied during the present debate, added nothing to the argument, and was only calculated to excite angry feelings. It should be recollected that public opinion would reflect on their proceedings, and he was perfectly willing to rely on the shrewdness and judgment and intelligence which existed out of doors, and which would separate the chaff from the wheat, and by which the true state of the case would be regarded quite independent of the fallacious opinion that they had endeavoured to excite against that side of the House. He trusted that it was too late in the day for any party to be successful in such an attempt, and he had little doubt as to the result of public opinion when opportunity for reflection had been afforded. He would not refer to any precedents, as they had already been drawn out to an elaborate and perhaps useless extent, but he trusted that it would be allowed that, in the preservation of their privileges, every man was equally interested. He was sure that every Member in that House, whatever might be his political opinion, was anxious for the good of the country; and he entreated those who were sent there by large constituencies not to be led away from pursuing that course which their judgment dictated by any fears of public opinion. He felt convinced that the public out of doors on reflection would become enlightened, and if that House acted honestly and conscientiously, and at the same time with firmness, he was sure that they would not sink in public estimation; but if they should fail in this respect, they would have nothing to regret in consequence of the course they had felt it their duty to take.

Mr. *Pemberton* felt, that some apology was necessary for his again rising to address the House after he had occupied its time at such length during the present debates. He now repeated what he said on the previous occasion, and he did so calmly and coolly, and after much reflection, that the question now at issue was nothing more nor less than whether the people of this country were to live under the law as established by the Legislature, or under the arbitrary authority of that House. The question was not now as to the right of publication. He would assume, for the purposes of argument, that the House possessed the right and privilege of publication, and had the power of vindicating these privileges, not by legal proceedings, not by law, but by the strong arm of power. He would assume that this was the case, and he would ask them whether the course that was now proposed was consistent with their own notions of law and privilege; and whether they thought that their proceedings were likely to lead to a successful issue. He was perfectly satisfied that the noble Lord, and those who took the same view of the case with him, could have no other object than the performance of what they considered to be their duty to the country, but at the same time, he claimed the right for himself and others of exercising and expressing their judgments on these proceedings. From the year 1837, when the resolutions were submitted to the House on this subject, until the present time, he had constantly felt the difficulties in which they were involved and was satisfied that they would greatly increase if their proceedings were persisted in. He would not go into the question as to the soundness of the judgment of the Court of Queen's Bench, but when they were told that there was no lawyer who maintained the accuracy of the judgment of the Court of Queen's Bench he could not but feel surprised. That assertion so far from being accurate, was directly the reverse of accurate, so far as regarded the question they had to deal with now. The point involved in the judgment resolved itself into two parts. The first question was, as to whether the Court of Queen's Bench had the right of inquiring or examining into a matter involving questions of privilege arising in an action brought before it by an individual against an officer of that House. The other question was—assuming that the Court of Queen's Bench had the right of entering upon the subject—did it come to a right conclusion on the question, whether these publications were to be considered protected and privileged when published, because they were published by the authority of the House? These were totally and entirely distinct questions. These were the questions submitted to the Court of Queen's Bench, and they came to a decision on both. The decision of the judges of that court was, that they had the right of inquiry or examination, as stated in the first question; and, secondly, that these publications were not protected. With respect to the first question, as to the right of examining, in the case of privilege, in the Court of Queen's Bench, ninety-nine out of every hundred barristers in Westminster-hall had concurred in the judgment of the Court of Queen's Bench. He did not believe, that there was any material difference of opinion on this subject. He believed, that his hon. and learned Friend, the Member for Chester, who concurred with his learned Friends and himself in opposing the resolutions of 1837 agreed in this view of the case. The other question, however, was of a very different nature, and whether the Queen's Bench were right or wrong was a matter of very considerable doubt on the part of many members of the profession.

He was not prepared to say on which side the preponderance lay on this question; but supposing, even, that Westminster-hall was unanimous in opinion against the decision of the Court of Queen's Bench on the second point, it would not in the slightest degree justify the course the House was now pursuing; for you would be as much mistaken and in error supposing the judgment to be erroneous as supposing it to be unimpeachable. He expressed no opinion upon the point, but he protested against its being assumed that those who abstained from doing so dissented from the judgment. It was sufficient to say that while that judgment remained unappealed from, it settled the law. If the House were dissatisfied they should have appealed, and many persons were of opinion that if the proceeding had been carried by writ of error into the Exchequer before the rest of the judges and to the House of Lords, a different result might have been arrived at. And if this was a fair statement, was the course which was now proposed consistent with the object of maintaining the privileges of the House. He implored them to consider what they were doing, and in what position the case now stood, and in what position the House stands. Hon. Gentlemen opposite argued, amid the cheers of the other side, that the right of publication was essential to their proceedings. Assuming this to be so, he begged them to consider that by the course they were pursuing, they were dragging that right into the utmost peril, and dragging also their other privileges after it. In the present action the question as to the right of publication had never been raised in any form whatever. The case at law at the present time stood thus: an action had been brought, in which a court of competent jurisdiction pronounced an opinion, and the House acquiesced in that opinion: it brought no writ of error on that decision, did not carry the case to the House of Lords, but paid the damages that were awarded. A similar action was afterwards brought, the House suffered judgment to go by default, and refused permission to its officer to appear or plead to the action. The judges had no opportunity of considering whether or not this case differed in any respect from the last, or whether the decision in the last case were right or wrong. As the cause came before them they did not know what was in the publication; all that they could know was, that a certain action had been brought, and the defendant admitted the facts, and by his conduct allowed that he had committed the wrong alleged against him by the plaintiff, and a jury had been called to estimate the amount of injury, which they stated to be 600*l.* The question was, whether the ministerial officer of the court of justice, in putting in force this writ, which he was directed to enforce by the court, had committed a breach of privilege of Parliament, and whether the House were justified in making an order against that officer, while the cause was proceeding in the court of justice? Pending, however, these proceedings, the House issued that order and committed the sheriffs for obeying the order of the court, of which they were the sworn officers. Was that consistent with law, or was it not? The House attempted to stay the proceedings that took place, and having attempted to stay them in vain, it now proposed to commit the attorney to prison who carried them on, and who was also merely an officer of the court. Was that a portion of the privileges of Parliament, and was it consistent either with the form or substance of justice to take such a course. He had asked a few days ago, hon. Gentlemen opposite to point out any case since that of White *v.* Ashby, in which the House had issued orders to stay a suit at law between individuals. Had any case of the kind been produced—had a single case been produced since the case that he had just mentioned of that House attempting to stay proceedings between individuals in a court of justice. Was it essential, then, that they should maintain such authority, or was there anything to justify their adopting any proceeding of the kind? An analogy had been drawn between the proceedings pursued in this case, and some supposed mode of proceeding in the courts. If he did not deem it essential to the argument he would not trouble the House on this point; but it was most important that whatever they did in this matter they should have sufficient reasons to justify the steps they took, and not rest on any false analogy, because the case could not stop where it was. The House should recollect that the grounds and reasons on which they proceeded would be strictly examined and sifted, and if the case was not extremely strong it would be regarded as a gross infraction of the liberty of the subject. It must ultimately be brought under discussion in another place, where, whatever was most profound in law, powerful in eloquence, and acute in intellect, would be employed in sifting the grounds of the proceeding, and the reasons on which the House acted in committing these parties. He would therefore put it to the House whether, where they found there was no precedent for the course they proposed to pursue, they could avail themselves of a supposed analogy which referred to the proceedings of a court of justice? The analogy was one with which he ought to be familiar, as it had reference to certain proceedings in the Court of Chancery. They were told that what was done by the House in this case was only what the Court of Chancery was accustomed to do, and that it was common for that Court to issue writs to suspend proceedings, and that these writs must be obeyed on pain of contempt; and, by analogy, the sheriffs should obey the House when it issued a writ of suspension. Such was the case referred to by the noble Lord and his hon. and learned Friend the Attorney-general, who both contended that the Court of Chancery could stop writs issued by other courts which interfered with the proceedings before them; and they asked, was this House less than the Court of Chancery? and had it less power to issue similar writs? When the noble Lord came to understand this matter—and it was no reflection upon him that he did not —he was sure that the noble Lord would not persist on this supposed analogy, which, in fact, had nothing to do with the subject. He contended, first, that this House had no authority to make any order in any cause in any Court of Justice; and he contended, in the next place, that the sheriffs, being bound by oath to obey the Queen's writ, could not refuse obedience to a writ by reason of an order of the House, which had nothing to do with his oath, and which he was not sworn to obey. He had been told that the Court of Chancery issued writs to the sheriffs to suspend other writs from other courts, and that the sheriffs were bound to obey the former; and he was asked how he could reconcile this with the assertion that the sheriffs were bound in all cases to obey the writs in their possession. The noble Lord supposed, that a writ of injunction was issued by the Court of Chancery to restrain a violation of its privileges, and that the Court of Chancery being superior to a court of law, its orders were obeyed. But this view was founded in an entire misapprehension of the subject. The injunction was of a very different nature to what the noble Lord supposed. The Court of Chancery had no superiority over the Court of Queen's Bench. They were both courts with different functions administering different portions of the law; they each acted upon certain rules, and each was independent of the other. All that the Court of Chancery did when it interfered with the proceedings in any court of law, with the view of suspending or delaying them, was not in any way to constrain the judges of that court, or to issue orders to the sheriff contrary to those he received from the court of law, but it issued an attachment on the conscience of the individual suing at law, directing such individual not to proceed with his action under the then circumstances. But was this an interference with the sheriff, and ordering him not to enforce the writs that he received from the court of law? Certainly not; the writ or order of the Court of Chancery was directed to the party suing in the court of law. This writ, or any other writ, that was issued by the Court of Chancery, was the Queen's writ as much as that issued by the Court of Queen's Bench. The writ was not that of the Court of Queen's Bench or of its judges, nor was that of the Court of Chancery that of the Lord Chancellor, or any other equity judge. It was the Queen sitting in each of these courts, and the judges were the acting advisers of her in their separate courts, and the writs that were issued were those of the Queen, and the sheriff was bound to execute them, or suspend their execution according to the exigency of the last writ. In each case, the sheriffs were only obeying the orders which were issued by her Majesty; and the House must not suppose that the mandates which it issued were equivalent to the Queen's writs. When the House issued its mandates and the sheriffs disobeyed them, could it be said that [they disobeyed the Queen's writ? The sheriff was sworn to obey the Queen's writs, was he sworn to obey the writ or order of the House? On what grounds were these writs issued by the Court of Chancery? Because it was a court of justice, acknowledged by the law of the land, and administering the most important judicial functions. But was that House a court of justice? It was certainly a court for some purposes, though he did not precisely know for what. But it was not a Court of Law or of Equity. At all events it was not a Court of Justice. All its forms and proceedings was in violation of the first principles of justice as understood in Westminster Hall. In a court of justice no evidence could be received but on oath; and when he heard it argued in that House, that it possessed every power and privilege essential for the discharge of the functions entrusted to them, he should have thought part of these powers would be an inherent jurisdiction, and part the power to administer an oath. If it was necessary to publish the truth and therefore they possessed an inherent power of publication, it should seem to be necessary that they should be able to ascertain the truth, and that they therefore possessed an inherent power of examining witnesses upon oath. A court of justice compels no man to criminate himself. The House does the reverse. A court of justice adheres to certain rules of evidence. That House did not. A court of justice allowed parties to be heard in their defence before it condemned or committed them; but the House refused to do so. It was proposed to commit the attorney. Did hon. Gentlemen believe that by doing so, they would prevent him from practising in his profession? Even while in the custody of the sergeant-at-arms he would have his clerks still in action, and there was nothing to prevent him proceeding with other actions like the present. Again, although Mr. Howard might be in confinement, they could not prevent him, if he thought proper, from instituting further proceedings on his own account. The only way that they could stop Mr. Howard was by striking him off the rolls; but he did not believe that they could induce the court to do any thing of the kind. He did not believe that it would deter any portion of the profession from adopting a similar proceeding. The House had heard the speech of an hon. Friend of his, who was at the head of this branch of the profession, who stated that so far from the proceedings of the House deterring other attorneys from proceeding, it would instigate hundreds to similar proceedings. But could the House stop with the attorneys? Would it not proceed to deal with the counsel and judges? Hundreds of barristers were ready to take up similar proceedings to those which had been referred to. Look even to the report of what had occurred that day, and it would appear that the counsel in the cause expressed his opinion most strongly on the alleged privileges of the House, and set them at defiance. If, therefore, the House was determined to persist, it must enlarge the prison cell of the House of Commons; and he regretted that it had begun this fatal contest. In addition to this feeling in the profession they were exciting a spirit amongst the middle classes on this subject which they never could overcome. It was now proposed to commit the attorney, who had not done more than his duty. In the first action Mr. Stockdale sued as a pauper, and this attorney and counsel were assigned to him by the court, who could not refuse to act when ordered by the court; for if the attorney had refused, the court would have committed him. He defied them to search Westminster Hall and find a barrister who would refuse to move for a writ of *habeas corpus* for any of those persons who were committed by the House. He was convinced that Westminster Hall would not furnish such a man. If there was any doubt as to the opinion of the bar on this subject, it would soon be removed, as he had reason to believe that in the course of a few days a petition would be presented to the House on the subject of the present proceedings, signed by a greater number of barristers than ever affixed their names to any petition to that House. He believed also that the deepest feeling had been excited on this subject throughout the country; this was particularly the case in the city, where the strongest manifestations had been shown at the injustice of the course pursued by the House. Men of the calmest minds had felt themselves strongly excited by the late extraordinary interference with the course of justice. He was sure if his hon. Friend the Member for Wells, who appeared to dissent from his opinion, heard the names of some of the persons to whom he alluded, he would cease to have any doubts on the subject. For his own part, he had never seen more excitement in the court to which he belonged than he had within the last few days at the proceedings of that House; even the proverbial calmness, stillness, and dulness of the Court of Chancery had been roused. He begged hon. Members not to suppose that these proceedings and discussions were got up by noisy demagogues or disappointed and discontented patriots, with the view of setting themselves up against the House of Commons. He could assure the House that if the power of punishment that the House possessed was one thousandfold greater than it was,—they would not deter a single advocate from taking up this subject again when called upon to do so. Underthese circumstances would the House persist in committing this attorney? If they did they would not stop future proceedings of a similar character, and he put it to any hon. Member whether he thought that this was really likely to be the case, with the state of feeling existing in the profession which he had described? He asked whether, on every occasion, in all the conflicts between the law of the land as declared by the judges, and that House, that House had not always been worsted. If they looked into the history of this country since the Revolution, they would find no instance to the contrary. The people had always viewed this arbitrary power called Privilege with disgust. This was the case even before the Revolution. Let them look to the famous case of the Petitioners and Abhorrers as described by Ralph, an historian, who, as was justly said of him by Mr. Fox, was much less read than he deserved to be. If hon. Gentlemen looked at the journals of the House for that period they would see that, in order to get out of the difficulties in which it had involved itself, the House was obliged to resort to the expedient of entering a direct falsehood on its journals. It entered upon the journals that Stowell, one of the parties who had been summoned to attend at the bar of the House, being ill, was allowed, three weeks for the recovery of his health; whereas, the fact was, that he set the House at defiance, and refused to attend at all, and the popular feeling was so strongly against Privilege, that the House was afraid or unable to compel his attendance. If the House committed all these persons, how long did it propose to retain them in custody? How long did it propose to keep the sheriffs in prison? Did it suppose that the sheriffs being in custody would prevent Mr. Stockdale from receiving his money? No such thing. If the amount of damages had not already been paid over to that person, it would be, or if this act was not the object of the House, what did it propose? Observe the case of the sheriffs, as it stood before the public. The House had committed them to the custody of the sergeant-at-arms; he trusted that they had not been subjected to the further indignity of being incarcerated in the same cell, of being obliged to associate with that miserable man Stockdale. But why put them under lock and key at all? Why subject them to this punishment? It could only be considered as a vindictive proceeding; it could not operate as a prevention, for the act was done: yet here were they kept in prison, and the whole exercise of their duties as far as it depended on them suspended, and for what? Because they had done what every Gentleman in the House admitted, that he, as a man of honour, and as a man of conscientious feelings, standing in their situation would himself have done; and he would ask the noble Lord, and every one of those Gentlemen who concurred in the propositions of the noble Lord, whether, if they entertained the sense of their oath, which the sheriffs had declared they entertained—if they had the same sense of their duty which the sheriffs conscientiously avowed—he would ask whether the noble Lord and his supporters would get up and state that in the situation of the sheriffs they would act otherwise than the sheriffs had acted. There was no hon. Gentleman in the House who would say so; and yet these sheriffs, without any purpose to be answered, were kept in the face of the country, were detained in custody, and it was impossible to understand when or how they were to be discharged except by that step, which he was sure would ultimately be taken, a prorogation of the House, if only for one day. He felt convinced that the Throne would be besieged with petitions to her Majesty to prorogue Parliament: that prorogation would be conceded, it would be but for one day perhaps; but that one day would put an end to the power of the House over the prisoners. He would ask the House whether it were wise to go further; he would implore the House not to persist in a course, every step of which was a step downward. If the House thought it necessary to do something upon the subject, let it do that which would be the only effectual remedy; let it make its proceedings in such matters lawful by act of Parliament. Let it destroy any chance of collision with the other constituted authorities of the realm. Let it remove the possibility of conflicts such as these, beginning with Mr. Stockdale and his attorney; going on to the bar, proceeding from the bar to the judges, from the judges to the House of Lords, and, above all, at last, to the people of England—that people who had ever stood, and who would ever stand up for the law and for the judges, against all illegal authority whatever. Would it not be wiser to adopt such a course as he proposed than to persevere in a system of attempted terror, which would prove utterly ineffectual. *Oderint dum metuant* was at the best but a bad maxim for the House of Commons; but he believed the House would have all the evils without any of the advantages of the maxim, if they proceeded to an attempt to act upon it. He believed they would excite far more indignation than alarm, and be deemed odious without becoming formidable. The House would never be able to maintain a privilege against the law of the land. The prerogative of the Crown and the Privilege of Parliament were in this respect on the same footing. Both were part of the law of the land, and when confined within the law, entitled to respect and obedience. When strained beyond the law, neither was entitled to any respect or obedience whatever. An attack on the Bishops had been fatal to the illegal claims of Prerogative, and he had no doubt that an attack on the Judges would be equally fatal to the illegal claims of Privilege.

Mr. *Pigot* said, he had listened with much attention to the able arguments of the hon. and learned Gentleman, and it appeared to him that almost the whole of the speech which was just concluded had been addressed rather to the case which had been already determined upon by the House, than to the question now before them. The question now was not whether the sheriffs were to be committed, or whether they were to be discharged; but the question now was whether, having taken the steps which they had taken—having passed certain resolutions, and having determined that they would, as far as the constitution gave them power, exercise that power in executing those resolutions—the question was whether, after having committed the sheriffs, the House should stop short, and proceed to that which was the necessary sequel to what the House had already done. The hon. and learned Gentleman said, it was unfair to apply the practice of the Court of Chancery, or resort to it for an analogy to the present proceedings of the House of Commons; and the hon. and learned Gentleman said, and said very truly, that the Court of Chancery assumed no power, no superiority over the courts of common law; that was to say, that the Court of Chancery assumed no power to control the judges of the courts of common law; but the hon. and learned Gentleman appeared somewhat to misapprehend the manner in which this topic was urged. That topic had been urged in answer to an objection made on one of the grounds addressed to the House by the hon. and learned Gentleman, namely, to those who objected that the House had no right—that the constitution gave it no right—no, nor any analogy to the right which it claimed—of interrupting the proceedings of any of her Majesty's subjects in seeking to obtain that remedy which a court of law said it would afford them. It had been asked—Why seek to stop Stockdale? He had, it was said, a legal right to maintain an action for libel; he proceeded to assert that right, and the Court of Queen's Bench determined that he was entitled to maintain his action. It was said to the House, supposing you are right in asserting the privilege, yet we ask you not to attempt to assert that privilege by interfering with the subject's right to bring an action in a court of law, and the plain answer to this was, that the House of Commons, as one branch of the Constitution, and in itself a Court of Parliament, was entitled to judge of its own privileges, and being possessed of certain powers, to exert those powers in the prevention of any proceedings which were an impeachment of its privileges; and in support of this view of the case, it had been observed that the Court of Chancery did the same. What was the proceeding of the Court of Chancery in cases of contempt? Precisely what the House had done in the case of Stockdale. When an injunction had been obtained in the Court of Chancery, the party who, in violation of the orders of that injunction, proceeds in a court of law, is at once attached and imprisoned for contempt of the court. He (Mr. Pigot) would just read to the House, from a note he had taken, the opinion upon this subject of one of the highest authorities, who ever presided over the Court of Chancery; and he would quote it as showing what that court did in such cases—how it interfered with the common-law rights of the subject, and what steps it took in thus interfering. In the case which occurred in the Court of Chancery in Lord Eldon's time—"Frowd *v.* Lawrence"—an attachment was set aside on the ground of irregularity. The party who had been successful in setting aside the attachment brought his action against the party who had acted on the attachment; and that action he was certainly entitled to maintain in a court of law. There was no defence to the action at all; the legal right was vested in him, and he recovered his damages in the court of law. The Court of Chancery was applied to to stop the action. What said Lord Eldon?—

> "The defendant, after attachment is discharged, brings an action at law for damages, and a motion is now made to me for an injunction to restrain him, *brevi manu,* from going on with it. I need not point out the importance of this question, for it is one between this court and the right of the subject to ask a jury for damages for his having been deprived of his liberty."

Lord Eldon, after discussing the question, and referring to various authorities, to show that in such cases the court had power to restrain the right of the subject at common law, concluded by observing, that

> "True it was, the jurisdiction of the Court of Chancery in this matter was very extensive, but he was not at liberty to give it up."

So he said. The jurisdiction of the Court of Chancery, which had not by the constitution the power of depriving of their functions the judges of the courts of law, could not be exercised without compelling those who had vested rights which they could assert at law, to assert those rights before the legal tribunal. Once remove the jurisdiction, and the power of the Court of Chancery to dispense justice between man and man was removed. Once remove the jurisdiction of this House and the assertion of its privilege, to prevent the bringing of actions, and its privileges were gone, and it ceased to be useful. Therefore, the analogy was, to the extent to which it was applied, strictly applicable, to show that the mere circumstance of the legal right of restraining a wrong action was no objection to the course which they had adopted, and that course was founded just on the same necessity for asserting their privileges, by arresting the progress of the proceedings of a court of law, by punishing the parties who put those proceedings in motion. It was founded on precisely the same necessity for the assertion of the privileges of the House, that contempt of the jurisdiction of the Court of Chancery was founded to sustain its privileges. He thought that the hon. and learned Gentleman, having assumed, as he did, the existence of the privilege—having assumed the necessity of exercising the privilege, was bound to point out to the House what course the House was to adopt. The hon. Gentleman said, that having committed the sheriffs, they were not to proceed against the attorney, Mr. Howard. Now, what was the course of the Court of Chancery on this subject? It was said that they were interfering with the privileges of the profession, and that they were interfering with the right of the party to obtain the benefit of the advice of his attorney. What did the Court of Chancery in all the proceedings in which it stayed the action at law? There could not be higher authorities than those who were now listening to him on this subject. Referring to their recollection, he would say that the ordinary proceeding of the Court of Chancery, where an action at law was prosecuted, and where that prosecution was in violation of the injunction of the court, was that the party and his attorney were committed for contempt. He could refer the hon. and learned Gentleman to a multitude of cases in which that proceeding was uniformly adopted. In the ordinary motions of the Court of Chancery, the party who violated the order, if an attorney, stood committed; and in a case, which he thought must be familiar to those who were engaged in these proceedings, in which a party proceeded against an order of the Court of Chancery staying proceedings in an action at law, the Court of Chancery was there called on, not to commit the party; they were placed in that state; but they were called on to commit the attorney, and that was the ground on which the order was made. He thought that the hon. and learned Gentleman fell into another error in referring to the proceedings at law in the case of "Stockdale *v.* Hansard." The hon. and learned Member said, that nothing whatever appeared in these proceedings but that there had been an action for libel—that there had been judgment by default—that the question whether or not it was a privileged publication had never yet been submitted to the determination of a court of law—that in this case the question had never yet been decided, and that, therefore, they ought to submit the question to the legal tribunal. Did the hon. and learned Member forget that, in the first action which was brought by Stockdale for the very publication which was the subject matter of this proceeding, that that very question was raised by Lord Denman, and Lord Denman, delivering the same opinion which he did when the question came before him on demurrer, distinctly stated, "My direction to you, the jury, is, subject to any question hereafter, that the fact of the House of Commons having directed Hansard to publish all Parliamentary reports is in itself no justification of them, or any other booksellers, if such publication contains a libel." What had they here? They had this established. The very course had been tried by which it was possible to assert the right of publishing—the validity of these proceedings. The case went again before the court, and they decided against the House of Commons; and now, the hon. Member said, that because in this action neither of these courses had been adopted, but only the alternative was adopted which remained for the House of Commons to pursue—viz., to let judgment go by default, and then to apply the power of committal, just as the Court of Chancery applied the power of committal where persons brought an action in contempt of their authority, he objected to this proceeding. What was his objection? That in this action they had not tried the question in a court of law. How did that avail on this occasion? Were they or were they not to secure their privileges? Let him refer to the position in which the attorney stood. There was not a person who would not concur in most deeply deploring the necessity of taking proceedings against Mr. Howard, situated as he would be at the bar; but in what way was it possible to prevent the constant bringing and prosecution of actions unless they took the additional step which they were now called on to take? It was said, in the course of the argument, that when Mr. Stockdale was about to bring his action he would go to Calais and laugh to scorn the authority of the House. And so he might. But if it were established that whenever an action was brought, however it might be commenced, it could not be prosecuted without the instrumentality of an attorney, and if it were published to the world, and established by the precedent which the proceedings in this case would establish, that whoever assisted in the bringing an action would be liable to be committed for a contempt of the jurisdiction of the House of Commons—it did interpose some bar. He would tell the hon. Member that this afforded some mode of accounting for that which he had taunted his opponents for not having suggested—viz., that for the last 150 years they had not adopted this course of proceeding. Why the truth was this, that in those cases in which the House of Commons asserted this jurisdiction, those cases in which they did assert the jurisdiction of committing attorneys who acted in contempt of their authority, have had that effect. The hon. Member said, that no such cases existed for 150 years, and he had asked for an instance in which the House of Commons had interposed to prevent the bringing an action. When the hon. Member pointed out an instance in which this action had been brought, he might then be able to furnish him with an answer; but this he would tell the hon. Member, that if it was established that the power of committal for contempt was in the House, and that its jurisdiction for contempt was not questionable — if it were established that the House was armed with authority to punish those who assisted in the prosecution of actions— if that public warning were given, he would venture to predict that, although in the excited state of public feeling, there would be those who would tender themselves as martyrs in the cause of Mr. Stockdale, very few would be found to follow the example. Was this, upon the face of it, a proceeding in which any great degree of tenderness ought to be exhibited towards the party whose cause was now before the House? Recollect that Mr. Stockdale prosecuted the former action as a pauper. The attorney had not, therefore, the temptation of gain. Did the Attorney engage in this proceeding for the purpose of forwarding the objects of Mr. Stockdale, as Mr. Stockdale had disclosed them? Or did he lend himself to this proceeding for the purpose of an experiment by which he might acquire those results in the damages which were the expected fruits of the action? If he lent himself to Mr. Stockdale for the purpose of violating the orders of the House, for the express purpose of acting in defiance of its authority, it would hardly be said that the House was to stay proceedings against Mr. Howard. This he thought they were entitled to say, that, as far as the papers were before the House— as far as the transactions were now disclosed, there was nothing to induce the House to adopt that course. After the debates which had taken place he should not be tempted to enter into the general discussion—he rose merely for the purpose of pointing out that he thought the hon. and learned Member, truly describing, as he had done, the course which had been adopted by the Chancellor's orders, misapplied the mode in which the argument had been employed, and he thought that hon. Gentleman could not take a better mode of asserting the principle than by saying with Lord Eldon,—

> "The authority is good and the jurisdiction is a strong one, but these privileges have been committed to us as trustees for the public, and we are not at liberty to give up the jurisdiction."

Mr. Sergeant *Jackson* said, that the hon. and learned Gentleman who had just sat down had spoken of the hon. and learned Member for Ripon as having wandered away from the question before the House; but he would put it to the House whether the hon. and learned Member was exposed to that remark. On the contrary, he had applied himself with great force and effect to the question whether they should call before the House the attorney of Mr Stockdale. The learned Solicitor-general for Ireland had failed in answering one of the arguments of the hon. and learned Member. He had asked why the House should stop short here? He asked the same question, why did the House stop short? Why did it not attempt to grapple with the learned counsel who defended Mr. Stockdale, instead of dealing with the subordinate agent? Why did it not grapple with the judges? The argument of the hon. and learned Gentleman (Mr. Pigot) was, that there was an analogy between the proceedings of the House and of the Court of Chancery. The hon. and learned Member for Ripon had shown that there was not the slightest analogy between the two. The proceeding in the Court of Chancery was to issue her Majesty's writ of injunction, to prevent an action in a court of law. It had been said, that it was an act of cowardice to stop short now; but it was no act of courage to persevere in a cause which they were satisfied was wrong. On the contrary, true courage was shown in stopping short when you were satisfied you were in the wrong. Two things wrong never made one thing right. But he had been told that it was matter of necessity that such a course should be taken, and his right hon. Friend (Sir R. Peel) had based his argument on that ground; but, with all the respect he entertained for his right hon. Friend, he was of opinion that his right hon. Friend had not made out his position. He had said "How is it possible that I can justify my conduct to my constituents who may complain of it, if I cannot disclose to them evidence taken before the House, and printed by its order." He conceived that, if a Member were called upon to justify his vote to his constituents, or to the country at large, and for that purpose disclose to him the substance of the evidence, or put into their hands a printed report of the evidence, there was not a court in Westminster Hall or on the other side of the water, and he would venture to say in Scotland, that would not hold that to be a justifiable and privileged communication. The proceedings of the Court of Queen's Bench had been arraigned by confounding two distinct propositions. It was a distinct and separate question whether this was a matter examinable in a court of law. If it was (and he had heard no second opinion in Westminster Hall as to the court's right to examine it) the court might go wrong, and if it did—as it was liable to do in all questions which came before it—there was a way of setting it right by appealing to a superior tribunal. But it was said, was the House to submit its privileges to the decision of the House of Lords, a co-ordinate branch of the Legislature? But the question would not go to the House of Lords as a co-ordinate branch of the legislature, but as a higher, and the highest, court of justice in the country. There was nothing derogatory in that. His right hon. Friend (Sir R. Peel) had referred to the proceedings on the 1st. of August; he had said that the resolutions had been carried by a majority of the House, and that he had not been dealt fairly with; "You should have told me," said the right hon. Baronet, "on the 1st of August what the law was." But the right hon. Baronet should have recollected that there was not on that occasion a single practising lawyer in the House, save the then Solicitor-general, Sir R. M. Rolfe. And what was the state of the House? There were only 124 members present. It was a little too much to say, if the House sat day after day, doing nothing at all, till the month of August, that professional members were bound to attend, to the neglect of their own business. But, on the occasion referred to, there was no lawyer in the House to give the information, and there was no lawyer now in the House who would not have given the same opinion then. Those who now were desirous of carrying privilege to such an extent would ultimately find, that they were in the wrong. Indeed he thought that they already began to perceive it. They had been wrong from the beginning, to pass declaratory resolutions, and should have reserved their privileges for defensive purposes. They should have reserved their resolutions until the occasion arose, and only provide *pro re nata*. In their first resolution, which declared their right of publishing their proceedings, they were in the right. But then there was another question—namely, to what extent were they warranted in publishing them? The right hon. Baronet the Member for Tamworth was perfectly right when he said they were warranted in communicating their proceedings to their constituents. but he denied their right to sell the printed papers of that House; he denied their right of publishing their proceedings to the world. He never denied the right contended for by the right hon. Member for Tamworth, of Members communicating their proceedings to their constituents. He was not departing from the position which he had formerly laid down. He admitted that they sat there as the representatives of the whole people. If a court of justice denied the right which the House claimed to exercise, what was the course which should be pursued? Let the House bring in a Bill to settle the question by law, and to give them the right which they claimed. He was sure that the other House would co-operate with them in enacting a declaratory law to this effect, founding it on the principle that the publication should be made without malicious motive.

Sir *Charles Grey* said, I trust the declaration of the hon. and learned Sergeant may be hailed as an augury of the favourable termination of these disputes. It is scarcely consistent, indeed, with the usual boldness of his bearing in the field of debate, that we should learn his opinion only in so late a stage; but it is better late than never; and coupled with the admissions which have been made by other hon. Members, it may be fairly taken as a proof, that in the minority which has opposed the recent votes of the House in these questions, even those hon. Members who belong to the legal profession, do not any longer think of putting the same restrictions on our proceedings which the Court of Queen's Bench is reported to have assigned to them; and the hon. and learned Sergeant, the Member for Bandon, will allow me to say, that it is impossible for him to make any stand at the point to which he has limited his concessions. He will see, that having gone so far, he cannot help going with us to the whole extent of our claim. There are occasions, on which nothing less will answer the legitimate purposes of this House than a publication of our proceedings to all the world. The hon. and learned Sergeant says, that he thinks we have the liberty of communicating them to our constituents, but not to all the world. Does he recollect what our proceedings are, and has he considered what contrivances would be required, and what ludicrous difficulties would arise in observing this half secrecy? Any one of the 658 Members of this House may safely communicate the proceedings of Parliament to all his constituents, but may not allow them to be seen by any one of his servants, or his guests. Why, if any one were in want of a subject for the stage, I would recommend him to imagine a Member of Parliament, a country gentleman, accustomed to be honest and open in all his ways, who should find himself obliged under this new rule to have a private and locked-up chamber prepared in some retired part of his house, for the reception of these dangerous and voluminous papers, to which he would be seen occasionally, and, all alone, to resort. What suspicions might arise? Perhaps, that he was a disaffected subject of her Majesty, and had a concealed store of arms; or if female curiosity should espy through the key-hole these masses of blue paper, even worse fears might be suggested, vaguely associated with Blue-beard and his blue chamber. Sir, I do not wonder that the hon. and learned Member for Ripon, who, if any one could defend the untenable position taken by the Court of Queen's Bench, has shewn himself able to do so, is, to night, desirous the contest should be shifted from that ground, and is willing to argue the questions which have arisen as to our course of proceeding upon the supposition that we do hold the right of publishing our proceedings. I will take the case upon that ground; and that step being gained, all questions as to our proceedings against Stockdale himself, seems, as a necessary consequence, to be waived. But the sheriffs, it is said, ought not to have been committed: they acted in obedience to an oath: they could not possibly have done otherwise than they have done: they are the servants of the Court of Queen's Bench: and you are going to "amerce them of their monies" for doing their duty. Sir, I saw that there was an erroneous impression upon some hon. Members, that the sheriffs were inextricably bound by the wording of their oaths, to execute all writs: and that we were about to be pressed by the argument, that we were forcing them to commit perjury. It would have been a most preposterous thing if such had been the tenor of the oath: and knowing that the word "execute" was not there, I asked a question of that very intelligent and very able officer, the under-sheriff, which, he prevented from being of any use at the time, by answering that the words, indeed, were, that the sheriffs should "truly return and truly serve" all writs; but that "serve" meant "execute." I must beg leave, on that point, to express a different opinion. The word "serve" as it stands in that oath, is a servile translation of the latin word "servire," and the old Norman "servir," which I interpret as binding the sheriffs to "render lawful aid"; and the interpretation of the under sheriff reminds me of an atrocious jest upon the word, which may serve, however, to fix its meaning in our recollections. One, whose name stands upon the death-warrant of King Charles, had for his motto *De bon vouloir servir le Roi:* and, on being asked whether he thought "this was serving the king," he is said to have answered, "I think it is serving him right," but certainly, if Mr. France's translation of the word be the proper one, the regicide might have reconciled his deed with his motto without having recourse to a joke upon so dire an occasion. Sir, the sheriffs are bound by their oath to do what the law requires them to do, and neither more nor less. They are not servants of the Court of Queen's Bench, but officers of the Crown, whose duty it is to render lawful service to the writs of that and of all other courts which are directed to them; they are not bound to take the interpretation of the law from the Court of Queen's Bench alone; and you have heard from themselves, that when a writ comes to their hands which s been improvidently issued against a privileged person, they do not feel embarrassed by anything which is contained in their oaths. They know full well that it does not bind them to invade a privilege; and they caution their bailiffs beforehand to take care that he does not commit that mistake. From their own mouths, then, it is acknowledged, that if the privilege which we have asserted, and which we continue to assert, be a lawful one, they have done what they ought not to have done in executing the writ of *fieri facias* against Hansard. It is the execution of the writ in violation of privilege, and not the abstaining from it, which is counter to their oath. It is not their own monies of which they are in any danger of being amerced by us, but the monies of Hansard, which they are called upon to restore. They have seized the printing presses of a servant of the House, with which the House had ordered its proceedings to be printed: and they have put them up to sale in defiance of the resolutions of the House: they had the proceeds in their pocket as they stood at your bar; and, holding the opinion which you do as to your privilege, would it not have been sheer imbecility to have allowed them to carry these away! If they are to suffer any hardship it is not we who inflict it. We have demanded only that what had been taken from our servant should be restored to him. If they should subsequently be compelled to pay to Stockdale out of their own monies the amount named in the writ, it will be the tribunal which enforces that payment which will inflict the hardship and will amerce them of their monies. If the sheriffs do suffer, it will be in consequence of error in the proceedings of those upon the rightness of whose decisions the property nay the life of any of Her Majesty's subjects may depend: and we have at least the consolation that the quarter from which such a risk is threatened is one from which above all others it is the most unlikely that any permanent and ultimate injustice or hardship should proceed. It is not, however, the case of the sheriffs which is immediately before the House, but that of Mr. Howard the Attorney of Stockdale: and, having all along been deeply impressed with the grave importance of these questions and the serious consequences which are connected with them, I do not conceal from myself that we have now come to a new point in in our proceedings which demands the most serious consideration. It has almost been a turning point with me. I have felt that to treat as a contempt the act of the Attorney whose name is on the Rolls of the Court of Queen's Bench, and who may be deemed an officer of that court is a different thing from dealing with Stockdale who is a private person, or the sheriffs whose public duty it is to act indifferently and without favour between this House and the Court of Queen's Bench. I do not see where we shall be able to make a stop between the lowest and the highest officers of that court if the defence of our privileges should bring us into conflict with both. I thought last night that in committing the sheriffs all that was absolutely necessary for the assertion of our privileges had been done; and I did not vote for bringing Mr. Howard here to-day. But he is in attendance under the orders of the House, and it is now stated, without contradiction, that even in this short interval opportunities of bringing the question of our privilege into fresh consideration before the judges without implicating the House of Commons as a party to the proceedings, and of obtaining the opinions of those judges who have not yet expressed any, have occurred and have passed away: and that there is an adherence to the decision which we deem to be erroneous and an invasion of our privileges. Gladly would I avoid the encounter which I apprehend; and mournfully do I contemplate its issue, whatever it may be. But I can perceive now no other course which is open to us than to compel an acquiescence in our claim of privilege, or to commit the final determination of it to some other tribunal; and I do not hesitate as to which of these courses we should take. The House of Commons is one branch of the High Court of Parliament, all the three component parts of which did at one time sit together. When they ceased to do so each retained for its separate and legitimate functions, and to the extent to which they were adapted to those functions, all the privileges and all the powers which the whole High Court of Parliament possessed. In like manner each of the Courts of Westminster Hall is a branch of the ancient Court of the *Aula Regis*, and each possesses, as far as they are adapted to the discharge of its peculiar duties, all the rights and powers of the whole Court of the *Aula Regis*. When the House of Commons ceased to sit with the House of Lords, it did not abandon or commit to the House of Lords the right of defining or declaring the privileges of the Commons, but has always reserved the assertion of them to itself. A contest between any branch of the High Court of Parliament, and any branch of the *Aula Regis*, is as a contest between the whole of the one Court, and the whole of the other: and if matters should be brought to so melancholy an issue, that in the face of this great country and of the world, one of these must yield, it is the *Aula Regis* that must give way, and not the High Court of Parliament.

The House divided on the amendment, that Mr. Howard be discharged:—Ayes 92; Noes 210: Majority 118.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Captain
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Baring, hon. F.
Bateson, Sir R.
Bentinck, Lord G.
Blackstone, W. S.
Blandford, Marq.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Castlereagh, Viscount
Christopher, R. A.
Corry, hon. H.
Darby, G.
Dick, Q.
D'Israeli, B.
Duke, Sir J.
Duncombe, T.
Elliot, Lord
Fielden, W.
Filmer, Sir E.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gordon, hon. Captain
Goring, H. D.
Grant, F. W.
Greene, T.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Herries, rt. hon. J. C.
Hodgson, F.
Hogg, J. W.
Holmes, W.
Hope, H. T.
Hope, G. W.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Serjeant
James, Sir W. C.
Jones, J.
Kemble, H.
Knatchbull, right hon. Sir E.
Knightley, Sir C.
Knox, hon. T.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mahon, Viscount
Mathew, G. B.
Maxwell, hon. S. R.
Nicholl, J.
Norreys, Lord
Packe, C. W.
Palmer, R.
Palmer, G.
Pemberton, T.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Stormont, Viscount
Sugden, rt. hn. Sir E.
Talfourd, Sergeant
Thompson, Alderman
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Young, Sir W.

TELLERS.

Godson, R.
Kelly F.

List of the Noes.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhasset, A.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Busfield, W.
Byng, G.
Campbell, Sir J.
Cavendish, hon. G. H.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Clerk, Sir G.
Clive, E. B.
Collier. J.
Collins, W.
Courtenay, P.
Craig, W. G.
Crompton. Sir S.
Curry, Serjeant
Dalmeny, Lord
Donkin, Sir R. S.
Duff, J.
Dundas, C. W. D.
Dundas, F.
Dundas, Sir R.
Du Pre, G.
Easthope, J.
Ellis, J.
Ellis, W.
Evans, G.
Ewart, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
Freemantle, Sir T.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, H.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hall, Sir B.
Harcourt, G. G.
Harland, W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon, C.
Horsman, E.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
Irving, J.
James, W.
Jervis, J.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Leader, J. T.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lushington, rt. hon. S.
Mackenzie, W. S.
Macnamara, Major
M'Taggart, J.
Mashall, W.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conner Don
O'Ferrall, R. M.
Paget, Lord A.
Parker, M.
Parker, R. T.
Parnell, rt. hon. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Phillipps, Sir R.
Pigot, D. R.
Ponsonby, C. F. A. C.
Power, J.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sandon, Viscount
Sanford, E. A.
Scholefield J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Sinclair, Sir G.
Smith, J. A.
Smith, B.
Smith, R. V.
Speirs, A.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Tavistock, Marq. of
Teignmouth, Lord
Thornely, T.
Tellemache, F. J.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. J. C.
White, A.
Whitmore, T. C.
Williams, W.
Wilshere, W.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Stanley, hon. E. J.
Parker, J.

Original motion agreed.

Mr. Thomas Burton Howard called in, and examined.

The *Attorney General:* Were you attorney in the case of "Stockdale *v.* Hansard?"—I was.

You filed the declaration?—Yes.

Did you sue out the writ of inquiry?—I did.

Did you sue out the *fieri facias*?—Yes.

Mr. Howard was then understood to say, in answer to the Attorney-general, that he was aware of the resolutions of the House, and had been served with a copy of them. The writ had been issued when he filed the declaration—the first proceeding he took was to file the declaration.

After some further questions which elicited from Mr. Howard, that he was aware of the resolutions of the House, but acted as he was bound to act.

Sir *E. Sugden*, who asked, had he any explanation to offer?—I humbly conceived that I was doing my duty towards Mr. Stockdale. If I had refrained from continuing the proceeding, he might have brought an action against me. If I have been mistaken as to the manner in which I thought myself compelled to proceed, and if I have thereby incurred the displeasure of the House, I deeply and most honestly regret it.

Lord *J. Russell* said, that the question for the House to consider in this case, was whether they could, consistently with the maintenance of their privileges, and with the course which they had taken hitherto in this matter, not take the same course with respect to this individual as they had already done with regard to other persons. On listening to the evidence which had been given at the bar, he owned that he was inclined to think that Mr. Howard was disposed to make due submission to this House, and to express his sorrow for the course he had pursued in a matter, in which he had undoubtedly found himself surrounded by considerable difficulties, and therefore, he thought it might not be necessary to pursue with regard to him the same course as had been adopted with regard to others. He found many instances on record of the same course of proceeding as he was about to recommend in this case; but it would be sufficient for the purpose to read one to the House. [The noble Lord then read a case dated 10th December, 1779, of a printer of a newspaper, who had been called before the House to answer for the offence of having grossly misrepresented the speech of a Member, and who having asked the pardon of the hon. Member for the said offence, was ordered to be discharged from any farther proceedings for the said offence.] Upon a consideration of the whole of the present case, he thought he should be justified in now adopting a similar course. Having already committed the plaintiff in this action, who had committed the offence of proceeding against a servant of the House for an act done in the execution of the orders of the House, and the sheriffs who had levied the goods of that servant, he thought that the House had done sufficient to vindicate and assert its privileges as asserted in the resolutions of last Session. He was, therefore, very happy in not feeling himself obliged to make a similar motion in respect of this individual as he had done in regard to others. At the same time, however, he must say that he felt some little doubt and difficulty lest this case should be taken as a precedent, which might lead to inconvenience on any future occasions of the kind, because he found, that on a former occasion, when the House endeavoured to avoid coming into collision with the courts of law, and to settle this matter amicably, that circumstance had been used against them. He hoped, however, that they would not find that a similar advantage would be tried to be taken against them for the course he was now going to adopt. As this was the last motion which he should have to make on this subject, he would take this opportunity of giving notice, on an early day, he should move for the re-appointment of the committee on this subject, with a view of pursuing their enquiries into it. Before he sat down, he begged to say, that he thought the House was very greatly indebted for the manner in which they had been able to discharge their duty on this occasion to the right hon. Baronet, the Member for Tamworth. He (Lord J. Russell) spoke not only of the arguments and the ability with which the right hon. Baronet had defended the course, which he considered identified with the usual functions of the House; but he thought that if this had been taken up entirely as a party question, and that it had appeared that those who voted on one side of the question were all hon. Members who sat on one side of the House, and those who voted on the other side were all Members sitting on the opposite side of the House, if such had appeared to be the case, he thought that their privileges would have been in great danger, and he for one should not have advised the House to put their privileges in such a situation. That such was not the case was mainly owing to the right hon. Baronet, who had expressed his general opposition to the views of her Majesty's Government, but who had, nevertheless, taken part with them in this case, not in support of the Government, or of any individual Member of it, but in support of the privileges of the House; and he thought, therefore, that as long as hon. Members valued their privileges they could never forget the conduct of the right hon. Baronet. The noble Lord moved that Thomas Burton Howard be called in and discharged.

Viscount *Howick* did not rise to oppose the motion of his noble Friend, but at the same time, he could not sit and hear that motion passed without expressing the deep and heartfelt regret with which he had heard that motion made. He was well aware that the House was always, and very properly so, disposed to deal leniently and considerately with regard to persons who were called on occasions like the present, to appear at that bar; but, at the same time, he considered that at the present moment, the privileges of the House, were in the utmost peril, and the course which they were now recommended to take might greatly increase and aggravate that danger. The House had committed the sheriffs, whom he perfectly believed, were most conscientious men, who, not wishing to give offence to the House, had conceived themselves compelled by an overruling sense of duty to act contrary to its orders. But this was not the case with respect to attornies. No attorney was obliged by an oath to undertake a cause which it was not proper to advocate. Mr. Howard had taken part in these actions in 1837 and 1838, when he must have been aware of the resolutions which this House had taken; and yet, in spite of these he again voluntarily undertook to act as attorney in these causes. Considering the resolutions which had been come to in August last, he thought it would be impossible to conceive a more decided and grievous breach of the privileges therein declared upon it, if the House wished to maintain this privilege, there was no course by which they could do so more effectually than by deterring the attornies who ventured to take part in actions of this kind. With respect to parties, without wishing to refer particularly to Mr. Stockdale, it might very often happen, that there would be parties in actions of this sort, to whom it would be no inconvenience or even an advantage to be committed by this House, but the same was not likely to be the case with attornies. Therefore, he thought that they were a class of offenders whom the House was particularly called upon to visit with its severest displeasure. Mr. Howard, to be sure, had said that he was sorry for having offended the House, but he (Viscount Howick) having paid very particular attention to his words could not see that Mr. Howard had uttered one syllable in which he had admitted that he was wrong, or that the House was right. Mr. Howard had made no acknowledgement of his past error, nor given any promise that in future he would not be guilty of such misconduct. If he had made such a promise then he might have been excused by the House; but such he had not done, and therefore, he thought, that at least, Mr. Howard instead of being at once discharged, should be committed, when it would be open to him if he really wished to set himself right with the House to present a petition expressing clearly his regret for his past conduct and his determination not again to offend in a similar manner. He (Visct. Howick) certainly should not object to the immediate discharge of Mr. Howard, upon his so submitting himself to the House, with no further punishment than a reprimand from the Speaker; but he felt convinced, that according to all precedent, a person who had so wilfully been guilty of a breach of the privileges of the House, ought in the first to be committed, and he greatly regretted that this course had not been adopted by his noble Friend. He abstained from moving an amendment in conformity with the opinion he had now expressed, because he felt with his noble Friend and the right hon. Baronet (who fully merited the eulogium which had been pronounced on his conduct) that unless in every measure they adopted they obtained the support of a large portion of the Members of that House, it was in vain to hope for the maintenance of this important privilege. But he thought it due to himself and to those who might think with him, at this early stage to warn the House against pursuing the same fatal course of weakness and indecision into which they had been betrayed on a former occasion, and to declare his conviction that more decided means for asserting their privileges ought now to be adopted.

Mr. *Warburton* expressed his perfect concurrence in the opinions of the noble Lord who had just sat down. The excuse of the attorney for violating their privileges was, that having been allowed to proceed to a certain extent, he was undecided between the duty which he owed to the House, and his duty to the courts of law. Now, in what different position were the sheriffs placed, respecting whom they had solemnly resolved that they were guilty of a breach of the privileges of the House, and whom in consequences they had committed? He confessed he could not draw a distinction, the only difference between the two cases being that the attorney had made a very equivocal apology. He thought the House should come to the resolution that the attorney was guilty of contempt, and should be reprimanded before he received his discharge.

Mr. *Hume* having expressed his regret, when this matter was first brought forward, that the parties originally implicated should be dealt with in the first place, he should support any motion of the nature which the noble Lord (Howick) suggested; and he was only sorry that he had not submitted one to the House. If the sheriffs were guilty, this man was more guilty. He begged the noble Lord (Lord John Russell) to re-consider what he was about. The stand which he had hitherto made, and the course which he had taken, were extremely right. If the noble Lord persisted in his present motion he would be giving up the ground which he had taken, and it would be impossible for the House to persevere in maintaining its privileges.

Mr. *Ewart* maintained that the apology made was hypothetical. Nothing would satisfy him but an unconditional apology and a distinct reprimand.

Mr. *S. O'Brien* thought the best course would be to recal the witness, and ask whether he was prepared to make a submission to the House, and to give them an assurance that, under the same circumstances, he would refrain from the course of conduct which he had on this occasion pursued.

Mr. *Wakley:* Not a single step could be taken by the House with the hope of doing good unless they satisfied the public mind—that they could not inflict punishment on any party further than was absolutely and positively necessary to sustain the privileges which they deemed to be essential in conducting the business of the House. He feared the parties were not called to the bar in the best order. It appeared to him that the attorney should have been called as the second party, and after having heard his examination they would have been in a better position to deal with the sheriffs. Having heard from the witness an unequivocal expression of sorrow, he thought the commitments which had already taken place amply sufficient without inflicting punishment on any other party; and he was decidedly of opinion that if they were to proceed to confine Mr. Howard in the cell of that House, they would lose much of that high vantage ground on which they now stood. In the proceedings which took place there, and which were conducted judicially, if anything harsh, cruel, or vindictive appeared, he was satisfied the House would suffer much in public estimation; but he was at the same time convinced that the more the public reflected on this subject, the more they would see the necessity of retaining the privilege which the House sought to hold, and the more clearly would they see that the House of Commons could not exercise a single function with the slightest hope of being useful to the public, unless the power for which they contended was fully and effectually maintained. Before he sat down he must express his gratitude to the right hon. Baronet, who had on this occasion shown himself to be above all party considerations and feelings, in maintaining what he conceived to be the just prerogatives and privileges of the House, and he must say, that if the right hon. Baronet had pursued a different course, he would have inflicted on this country one of the greatest evils which ever befel it, and a calamity which could not be removed by any steps which the House might subsequently think it necessary to take.

Sir *R. Peel* maintained, in the first place, that the person mainly responsible to the House of Commons was the attorney. The adviser of the legal proceedings incurred a more direct responsibility than the plaintiff, because the latter might be presumed to be an unprofessional and ignorant man, labouring under a sense of injury, and appealing to the law for redress. It was the duty of the attorney, when consulted by an unprofessional man, prejudiced by the sense of the injury which he had sustained, to warn him against incurring the displeasure of the House of Commons by a perseverance in legal proceedings; and if he had abstained from doing so his responsibility was the greater, on the grounds which he had already stated. It appeared to him, then, that their proceedings would have been incomplete, unless the attorney had been called to the bar; but they had certainly made a mistake in not summoning the attorney to attend before the sheriffs. When the attorney was called, his expectation and full intention was that he should vote for his committal, unless he made an explanation perfectly satisfactory to the House. He had listened to the evidence of that gentleman, and he confessed he thought it equivocal. At the same time there was in it such an approach to submission as led him to think that while they should go to all just extremities they should not go beyond the necessity of the case. He was bound to say, that when the witness declared that "if he had been mistaken, he felt extreme regret in incurring the displeasure of the House," and when asked if he had any thing more to say, he replied "that if he could express his regret in stronger terms he would do so;" and when this went out to the world, after their having committed the plaintiff, their committal of this attorney would be considered as rather a severe exercise of their authority. What he doubted, however, was, whether they should immediately discharge him. He thought it perfectly right to have him brought up; he thought him the responsible party; he claimed the right of committing him; he did not say that it would be unjust to exercise it, but he maintained that it would be wise to temper justice with mercy in this case as in every other. The course which he wished the noble Lord to have taken was, that the Speaker should be instructed to inform Mr. Howard that he had been guilty of a breach of their privileges; but, at the same time, that as he appeared desirous to submit, and as that was the construction which the House placed on his explanation, they did not wish to proceed to extremities, but cautioned him against any proceeding of a like description. He thought such a motion would have avoided any recourse to extremities, and at the same time placed on record that the attorney was not committed on the express ground that he seemed desirous to offer some reparation to the House for his conduct. That course would be the most consistent with the moderation and mercy which they had hitherto observed.

Mr. *O'Connell:* Having had the high honour of sitting twice on the Committee of Privilege, and seen the entire proceedings, felt justified in impressing on the House the necessity of asserting their privileges in a perfectly unequivocal manner. It appeared to him that the right hon. Baronet had laid down a course perfectly safe. It would become the noble Lord to consider the advice of the right hon. Baronet. The assistance given by the right hon. Baronet in asserting their privileges had been already recognised. The powers which he brought towards effecting the results which had taken place could not be exaggerated. It was impossible to place the question in a more clear and distinct light than the right hon. Baronet had placed it in. Under these circumstances nothing was more desirable than unanimity, and even if the noble Lord were called on to make a sacrifice, he ought to do so for the purpose of insuring the sanction of the large number of Members who had hitherto supported his proceedings. If the attorney were discharged, the man who advised the action, and who had a pecuniary interest it, would have totally escaped, and he might commence a fresh suit to-morrow. They should recollect, too, that in all probability counsel would in the future proceedings before the courts trench upon their privileges; and could it be expected that they would gain in public estimation enabling their opponents to contrast their leniency to the attorney, the adviser, manager, and director of all the proceedings, with any severity they might exercise towards the counsel, who knew nothing whatever of the plaintiff.

Sir *R. Inglis* thought it strange that the noble Lord, who had carried all his previous motions so triumphantly, should be pressed by the "friends of freedom" to an act of greater severity than he was inclined to propose in this instance.

The *Attorney-General* rose to move an amendment, in compliance with the suggestion of his noble Friend (Lord J. Russell)

Mr. *Law:* I rise to order.

The *Attorney-General* thought the hon. Recorder ought to have exercised a little more patience before interrupting him. He rose to make a motion in accordance with what had fallen from the right hon. Gentleman, and he believed with the general assent of the House. He did not retract anything he had already said as to the responsibility of the attorney, and if Mr. Howard had expressed no sorrow and regret for what he had done, he should have had no hesitation in moving for his committal. He would now move—he would move by way of amendment, though he had no doubt the course would be disagreeable to those who had done all in their power to lower the dignity of that House. [*Chair!*]

An *Hon. Member* rose to order. He would appeal to the Speaker, whether it were consistent with the usages of that assembly, that any hon. Member should impute to other hon. Members that they had done all they could to lower the dignity of the House.

The *Speaker* said the hon. and learned Member was certainly out of order in imputing such motives to any hon. Members.

The *Attorney General* apologised for the expression which had escaped him. He would move, by way of amendment to the motion that had been made—"That Thomas Burton Howard, having been guilty of a breach of the privileges of this House, and having expressed his regret for the same, be now called to the bar and reprimanded by Mr. Speaker."

Mr. *M. Attwood* wished to know how far Ministers intended to go. Would they commit the gentlemen at the bar who had argued the case? Would they commit Messrs. Burchell and France? The hon. Member spoke for some minutes, but the continued noise in the House prevented us from catching even the substance of his observations.

Mr. *Kelly* said, the sooner this question was brought to an end, the better for the dignity and character of the House. He should support the motion of the noble Lord, and oppose the amendment of the hon. and learned Gentleman. As the noble Lord had taken upon himself the office of public prosecutor on this occasion, he hoped the noble Lord would take upon himself the merit of, perhaps, the only act of what the noble Lord would no doubt call lenity, but what he called justice, that had proceeded from that side of the House. He wished before he sat down to remark, that, though it might have appeared by his silent acquiescence during the speech of the hon. and learned Gentleman, he disagreed with the judgment of the judges in this case, he now wished to say, most unequivocally and distinctly, that he held that judgment to be a sound, a learned, a just, and a constitutional judgment, and he trusted it would remain as a monument of the learning, the independence, and the integrity of the learned judges.

Mr. *Freshfield* thought the Ministers should not have overlooked the gentlemen of the bar, and should not have selected the attorney as the object of their vengeance.

Sir *Edward Sugden* could not give his vote without observing, that it seemed to him from the examination of the gentleman who had been at the bar, that it was impossible to visit his conduct with harshness, for he had in fact been appointed attorney by the court, in *formâ pauperis* in the first action. He had been much struck with a remark that had fallen from the hon. and learned Member for Dublin, who implied, that if they did not commit the attorney now they could not commit the counsel hereafter. Were the counsel to be committed? They had been quite as much guilty of a breach of privilege as the attorney, and yet the House had not the courage to commit them.

Captain *Jones* said, that Mr. Curwood had as much appeared for Mr. Stockdale as had the attorney, and he begged to ask the noble Lord opposite if he intended to call that learned counsel to the bar of the House?

Lord *John Russell* had no objection to answer that question. Without repeating the words made use of a short time ago by his hon. and learned Friend (the Attorney-general) he must certainly say, that he had observed that those who differed with him as to the means of best maintaining the dignity and character of the House (that being equally the object of both) seemed to think their cause would be best promoted if they could lead him, and those who thought with him on this occasion, further and further in the committal of the parties concerned in this question. But as they were acting for the purpose of maintaining their privileges only, he was for visiting those parties and committing those parties only whom he thought it necessary so to visit, for that purpose, and for that purpose only. When he was told by those hon. Members who contended for the House giving up its privileges, that the House ought to commit the counsel, and then come to the judges, he was confirmed in his opinion, that they deemed some advantage was to be gained to them, from this proceeding to what might be thought unjustifiable extremities. He must therefore decline the course which the hon. Gentleman had so kindly recommended to him, and he did not propose to call the counsel to the bar to commit them for contempt. What they had done with reepect to commitments was sufficent for the occasion—sufficient to show that the House would never give up the right they had of committing parties who had been guilty of a breach of their privileges. He should end with saying, did he not know that it was a request that would be denied him, that he could wish to withdraw his motion. Certainly, upon comparison of the two, he preferred the amendment.

The House divided on the original motion:—Ayes 68; Noes 178: Majority 110.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Archdall, M.
Ashley, Lord
Attwood, M.
Attwood, W.
Bagge, W.
Baring, hon. F.
Bateson, Sir R.
Bentinck, Lord G.
Blackstone, W. S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Christopher, R. A.
Conolly, E.
Curry, hon. H.
Darby, G.
Duke, Sir J.
Duncombe, T.
Eaton, R. J.
Eliot, Lord
Fielden, W.
Fector, J. M.
Filmer, Sir E.
Forester, hon. G.
Godson, R.
Greene, T.
Grimsditch, T.
Hamilton, Lord C.
Hogg, J. W.
Holmes, W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Serjeant
Jones, J.
Kelly, F.
Kemble, H.
Knatchbull, right hon. Sir E.
Knox, hon. T.
Law, hon. C. E.
Lefroy, rt. hn. T.
Lowther, J. H.
Mackenzie, T.
Maclean, D.
Mahon, Viscount
Mathew, G. B.
Maxwell, hon. S. R.
Norreys, Lord
Packe, C. W.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Rushbrooke, Col.
Sibthorp, Colonel
Stormont, Viscount
Sugden, rt. hon. Sir E.
Talfourd, Sergeant
Thompson, Alderman
Verner, Colonel
Vivian, J. E.
Williams, R.

TELLERS.

Freshfield, J. W.
Hope, G. W.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Blackmore, R.
Blewitt, R. J.
Bolling, W.
Bowes, J.
Bridgeman, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfeild, W.
Campbell, Sir J.
Cavendish, hon. G. H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Visc.
Clerk, Sir G.
Collins, W.
Courtenay, P.
Craig, W. G.
Curry, Serjeant
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Du Pre, G.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ewart, W.
Ferguson, Sir R.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gaskell, J. M.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Gregg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Hall, Sir B.
Harland, W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holland, R.
Hollond, R.
Hope, hon. C.
Hoskins, K.
Houldsworth, T.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Humphrey, J.
Hutton, R.
Irving, J.
James, W.
Jenkins, Sir R.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Lockhart, A. M.
Lushington, rt. hn. S.
Macnamara, Major
Marshall, W.
Martin, J.
Melgund, Viscount
Morpeth, Viscount
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pease, J.
Peel, rt. hon. Sir R.
Pigot, D. R.
Ponsonby, C. F. A. C.
Power, R. T.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sandon, Viscount
Sanford, E. A.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Somers, J. P.
Speirs, A.
Stanley, Lord
Stansfield, W. R. C.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sutton, hn. J. H. T. M.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Tollemache, F. J.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
White, A.
Whitmore, T. C.
Williams, W.

Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.
Stanley, hon. E. J.
Stuart, R.

The question that Mr. Howard be called in to be reprimanded, was put.

Sir *E. Knatchbull* wished to offer one word before this question was carried. The Speaker was about to call this attorney to the bar for the purpose of reprimanding him for a breach of privilege. If the whole course of their proceedings had reference only to this individual, he should admit, that the course about to be pursued was perfectly correct. But when he recollected that the sheriffs, on being called to the bar, made as nearly as possible the same apology as this man had done, and that instead of being reprimanded and admonished, as it was now proposed to reprimand and admonish this attorney, they had been committed to the custody of the sergeant-at-arms, and were now detained in durance, he could not help thinking that the House was involving itself in a very great inconsistency. Mr. France, too, had been completely acquitted; yet Mr. France stood in precisely the same situation towards the sheriffs, having been their legal adviser throughout the whole of the proceedings in the case, as Mr. Howard did to Mr. Stockdale. To dismis the one and reprimand the other, appeared to him to be a gross inconsisteney.

The question carried.

Mr. Howard called in, and addressed in the following term by the *Speaker:*—

Thomas Burton Howard, I have to acquaint you, that the House has come to the following resolution:—

"That Thomas Burton Howard having been guilty of a contempt and breach of the Privilege of this House. and having expressed his regret at having incurred the displeasure of the House, be now called to the Bar, and reprimanded by Mr. Speaker."

In pursuance of this resolution, I have further to acquaint you, that whilst acting in the capacity of attorney to Mr. Stockdale, you caused a writ of inquiry to be executed, and a levy to be made upon the goods of Messrs. Hansard. You did that deliberately and advisedly, after having, according to your own admission, received notice of the resolutions of this House. I have to admonish you, that conduct of this description is a high contempt of the authority of this House, which ought justly to be visited with its severe displeasure. The House, however, having taken into its consideration the contrition which you have expressed, are disposed to deal leniently with you for this offence. I am directed by the House to reprimand you, and I reprimand you accordingly.

Ordered, on the motion of the Attorney-general, *nemine contradicente,* That what has been now said by Mr. Speaker in reprimanding Thomas Burton Howard be entered in the Journals of this House.

Mr. Howard withdrew.

Mr. *Blackstone* observed, that as the House had dealt so leniently with the gentleman just called in, he begged to move, that John Joseph Stockdale be now called in and reprimanded by the Speaker and discharged.

Lord *John Russell* moved as an amendment, that the other orders of the day be now read.

Mr. *Blackstone* withdrew his motion.

SUPPLY,—PRINCE ALBERT.] On the Order of the Day for going into supply being read,

Mr. *Goulburn* wished to take that opportunity of asking the noble Lord (Lord J. Russell) what course he intended to pursue when the House went into Committee of Supply in reference to the provision to be made for Prince Albert. He apprehended that that question would take precedence of all others whenever the House went into committee, and he thought it extremely desirable that the House should not come to any substantive vote upon it without a full knowledge of the circumstances which had induced the noble Lord to propose the specific sum that he deemed fit for the occasion. He presumed that the noble Lord would make a statement of the data upon which he founded his proposition, and that he would not call upon the House to give its decision upon the question until some subsequent period after that statement should have been made. He was sure that the noble Lord would give him credit for not making these observations with the view of throwing any impediment in the way of the settlement which it was necessary to make for the distinguished person who was most immediately interested in the matter. He was only anxious that any step that the House might take might be founded upon such information as would entirely relieve it hereafter from the imputation of having acted in the dark. In requesting the noble Lord to pursue this course, he did not think he was doing anything that could be regarded as disrespectful to Prince Albert. It was the course which he had himself pursued when he proposed the Civil List for his late Majesty. He then submitted to the House a full statement of all the details of the measure he intended to propose. He trusted that when the House went into Committee of Supply the noble Lord would make a similar statement, and give the House eight-and-forty hours to consider the details before he called upon it to pledge itself to a vote.

Lord *J. Russell* should be glad to comply with the right hon. Gentleman's request, if he knew of any mode by which he could satisfy him. The grounds upon which he meant to propose this vote did not appear to him to admit of any statement with regard to particular expenses. Such a course would be quite inconsistent with precedent, even if it were possible to pursue it. He found that, in submitting the Civil List of 1830, it was proposed that the sum to be voted for the privy purse of their Majesties King William and Queen Adelaide should be 110,000*l.* That was the sum proposed by the select committee on the Civil List, and it was in no respect altered by the House when the money came to be voted. Of that sum 60,000*l.* was for the privy purse of King William, and 50,000*l.* for the privy purse of Queen Adelaide. The select committee of 1831 stated in their report, that they had no data to govern them in fixing these sums for the privy purse of the Sovereign, except by a reference to precedents, by which it appeared, that since the year 1799, the sum voted for the privy purse of the King had been 60,000*l*, and that for the privy purse of the Queen, ever since the time of George 2nd., the sum had not been less than 50,000*l.* The latter sum at some subsequent periods, had been somewhat increased; but the committee, looking at all the circumstances under which the various sums had been voted thought that they were making a reasonable proposition to the House when they suggested that the sum for the joint privy purse of King William and Queen Adelaide should be 110,000*l.* At the end of their report the Committee stated that investigation into particular items of expense, as related to the privy purse of the Sovereign, would not be proper. These were the statements of the committee of 1831, and agreeing so far as it appeared to him with the proposition of the right hon. Gentleman. He was at a loss to know what statement the right hon. Gentleman desired to be made; and unless the right hon. Gentleman stated something further, he should not think himself justified in doing otherwise than simply propose the vote on Friday next.

Mr. *Goulburn* had been much misunderstood by the noble Lord, if he at all thought that he (Mr. Goulbourn) recommended having a committee on the present occasion. His view simply was this: that as the case of the consort of a Queen Regnant was one perfectly novel in this country, for which, therefore, there were none or few precedents to be found, and those not publicly promulgated, but only coming within the knowledge of the Government who had access to official documents, he thought it probably not unnecessary that in making a statement of the amount to be fixed for the establishment of Prince Albert, the House should have before them the fullest information that could be given, in order that they might be able to form a judgement of the reasonableness of the proposition submitted to them.

Colonel *Sibthorp* asked whether it was the intention of the noble Lord to propose a vote for an outfit for the prince.

Lord *John Russell* had no objection that his statement should be made on Friday, and the House might come to a vote on Monday. But he begged it not to be understood that he considered the proposal was at all reasonable, or that he could have any plan or statement to make with regard to the establishment of Prince Albert, which would make it otherwise than a question with regard to the establishment of William aud Adelaide, and as the establishment had been for the last half century. Any thing further back than that would give them very imperfect information. The precedent of the marriage of Prince George of Denmark would not furnish any information to the House. In answer to the question of the hon. Gentleman as to whether he meant to propose any sum for what he called an outfit, he did not intend to propose any such sum. He should only move for the grant of 50,000*l.* to Prince Albert.—Committee postponed.

HOUSE OF LORDS,

Thursday, January 23, 1840.

Minutes.] Petitions presented. By Lord Brougham, from Persons confined in Chester Castle for Seditious and Inflammatory language, praying for Relief.

State of the Revenue.] The Earl of *Ripon* said, the subject to which he was about to call their Lordship's attention was one of very great, if not of paramount importance; but, at the same time, he was afraid that it was a matter with reference to which the Government could not say anything very satisfactory—he meant the present state and situation of the finances of the country. In what he was about to say, he did not intend to state anything in the way of blame to the Government or to any other parties; but still he felt so strongly the unsatisfactory situation of our finances, that he should not, in his own mind, be justified if he withheld from their Lordships the statement which he should now lay before them. It was not necessary for him to show, or to waste their Lordships time in establishing by proof, how much the prosperity, the power, nay, the very existence of a nation, depended on the safe and sound state of its finances. It was equally unnecessary for him to waste their Lordships' time by demonstrating the formidable evils which inevitably arose from an opposite state of things. It was undoubtedly the duty of a provident Legislature to pay a wise and proper attention at all times to the state of the finances, because a derangement of those finances often came on the country by slow and imperceptible degrees. It was hardly noticed in its progress, and the evils which were approaching were only ascertained to exist when those very evils themselves had become perhaps too formidable to be surmounted. Those who were indifferent to what might possibly happen after their own times, might not, perhaps, feel very anxious about such a question as this; but that circumstance did not absolve Parliament from paying a watchful and vigilant attention to a subject of this very important nature. And it was because he feared most sincerely (he rose not for the purpose of blaming any one), because he sincerely feared, that they were on the verge of a most unsatisfactory and unsafe state of the finances, that he now called the attention of their Lordships to the subject. In doing so he should briefly explain to the House what those facts and considerations were which had led him to so painful a conclusion. Their Lordships would recollect, that his noble Friend, the noble Duke near him, when some years ago he was at the head of the Treasury, had introduced an act by which all the then existing laws relative to the sinking fund were abrogated, and which provided, that the sinking fund should only be assisted out of any actual surplus revenue to a certain extent, and, beyond that, that the surplus should be applied to the reduction of taxes. That was a wise and judicious measure, because it provided that, instead of a certain amount being applied to the sinking fund, under all circumstances, whether the revenue could afford it or not, there was only one fourth of a *bonâ fide* surplus on the preceding quarter to be applied to that purpose. At that time when the act passed there was a large surplus, which enabled his noble Friend to propose a considerable reduction of taxation. In consequence of that reduction, it might have been presumed, that a surplus revenue would not have continued. But he recollected, that his noble Friend did not contemplate the failure of a *bonâ fide* surplus. Indeed, he had asked his noble Friend a question on the subject. He had asked his noble Friend whether, in future, he contemplated a surplus. His answer was, that he was sure there would be a surplus, that he relied on it; and that he would not act as he had done without a surplus. During five or six years, with the exception of one year, there was a regular surplus of income over expenditure, which was applied according to the provisions of the new act. They obtained by that means for some years a reduction of the debt to a certain amount, and also a certain reduction of taxes. But now, for the last three years, the case was altered. There was not now a surplus, but a considerable deficiency of revenue, and what greatly alarmed him was, that he saw no hope at present of getting out of that vicious system which had created this unfavourable state of things. In the year ending the 5th of April, 1838, the excess of expenditure over income was 1,420,000*l.*; in the year ending the 5th of April, 1839, the excess of expenditure over income was 400,000*l.* making for the two years nearly 1,900,000*l.*, and according to an estimate for the last year, which had been laid before Parliament, such was the state of our finances, that the deficiency of revenue to meet expenditure was set down at 900,000*l.* Since that estimate was made, other and great expences had been incurred, so that he feared they would find on the 5th of April next, that the expenditure for the year would exceed the revenue by not less than 1,000,000*l.* Here, for three consecutive years, there was a clear, avowed, unmitigated excess, of expenditure over income to the amount of nearly 3,000,000*l.* He could see no ground upon which to found a hope for getting out of what he must call this perilous situation. His apprehension would be less if it could be shown that the deficiency arose from a decrease of revenue, because such a deficiency might be transient. Taxes imposed at one time might not, in consequence of various causes, be so productive at another. In all years taxes would not produce the same amount. They fluctuated, and what was deficient in one year might be made up in another. But the evil in this case did not arise from a defalcation of revenue. As a proof of this he need only state, that the revenue of last year exceeded the revenue of 1836 by 1,500,000*l.* That statement was, in this respect, satisfactory, because it showed to what an extent the resources of this country, under all circumstances, could be worked up. But, paradoxical as it might appear in him, still he confessed that this circumstance frightened him, and he would tell their Lordships why—because, if the deficiency which he had pointed out did not arise from a falling off of the revenue, it must be attributed to an increase of expenditure. And the excess of expenditure for this year would, he believed, amount to 3,200,000*l.* over the amount of expenditure for 1836; and he saw no likelihood of a reduction of that expenditure. Now, if it could be shown to him that this increase of expenditure arose from any profusion or extravagance on the part of the Government exclusively, he should feel comparatively comfortable, because he could rely on the vigilance, zeal, and anxiety of the House of Commons to exercise their powers, and to prevent, by their interference, an improper and wasteful expenditure of the public money. That was not, however, the case. What, then, did this increased amount of expenditure consist of? A considerable portion of it arose from the addition made to the public debt within a few years; partly (but not much) by the funding of Exchequer-bills; partly by the interest which was to be paid on the debt incurred in consequence of the deficiency of last year; and lastly, by the immense operation, in 1833, by which the emancipation of the negroes was effected at the expense of 20,000,000*l.* Great, however, as was the sacrifice, he must say, that if the act were to be done over again, he would be a party to it, because he thought that it was a politic, wise, and humane proceeding. They could not, however, help paying for it; and that was one of the great items thus added to the expenditure of the country. Of this 3,200,000*l.* a considerable portion was applied to the augmentation of the army, navy, and the departments connected with those services. Such being the case, he should like to ask any man who looked forward beyond the present moment to demonstrate to him that a single reason existed for hoping for a curtailment of this heavy expense. The unfortunate state of parties in this country and elsewhere, had forced on Ministers the painful duty (and he was sure that it was a most painful duty) of coming down to Parliament and asking for 5,000 fresh forces. Now, he believed there was not any man who had watched the proceedings which had taken place since that time, and marked the circumstances that had occurred, who would not say that the existing state of things imperatively demanded the continuance of the same amount of force. Ireland, indeed, was said to be quiet. But that quietude, it was asserted, depended on a contingency, which contingency was neither more nor less than the continuance of her Majesty's Ministers in office. What reliance, then, could be placed on a state of tranquillity which rested on so doubtful an event—which depended on a mere circumstance, that circumstance being whether her Majesty should please to exercise her prerogative in a particular way with respect to her Ministers? It was not in the present state of parties in the country worth the snap of a finger. Therefore, to hope for any thing on account of the present situation of that country, of such a nature as would enable the Government to reduce the amount of the army there, appeared to him to be absurd and extravagant. But those who had animadverted on this point forgot a material fact—namely, that though you withdrew troops from Ireland, you had raised another army there—he spoke of the constabulary force, which was appointed as an army, and officered as an army, and which, in some respects, was far more efficient than an army. So much, then, for the state of things in Ireland. But they had a large army in Canada. He was happy to think that the circumstances of that country were much improved. There was not the same danger there now as had some time ago called forth so much anxiety and alarm. Still, he did not think that it would be consistent with common prudence, under existing circumstances, to diminish the army which was now employed in that colony. It was true that America manifested the most pacific intentions towards us: but still it should be recollected that there was a question, the boundary question, that remained in dispute between the two countries. He hoped and trnsted that it would be amicably and satisfactorily settled; but it ought not to be forgotten that the matter was still under negotiation. Here he must say, that there were one or two phrases in the President's speech which gave him some alarm. The President said, speaking of the boundary claims, " They must be settled." When he used such language to a proud and high-spirited nation, ardent and eager in the pursuit of what they conceived to be their just rights—their just claims—when he emphatically said, " they must be settled"—such language ought not to be overlooked or disregarded, as manifesting a certain tone of feeling on that side of the water. In this same message there was another disputed question mentioned, of which they had not heard for a great length of time; and, in addition to these two, there was a third boundary question, relative to territory to the west of the Rocky Mountains, which at any time might be raised, and would require arrangement and negotiation. It was true there was a treaty existing on that point at present, but that treaty would expire within a twelvemonth. He had no jealousy of the American government; God forbid that he should do otherwise than believe that they were disposed to maintain the most friendly relations towards the Government of this country, but those grounds of discussion must arise; they were in existence now, and of course rendered it naturally imprudent for us to reduce our army in that quarter. No country had such an immensity of foreign possessions as we had, but throughout the whole, could any man put his hand upon one and say, that there was too much garrison? On the contrary, he believed that many of them were too weak. Circumstances might arise which would imperatively demand an increase of our army abroad, and so certain as those circumstances did arise, if not directly, certainly indirectly, they would demand an increase of the army at home, otherwise it would be impossible to keep up that system of relief—which was necessary in order to keep the minds of men at ease by knowing that they were not banished from their country for ever. He next came to the navy. Many discussions had taken place recently as to the efficient state of that force, and great complaints had been made of a want of energy and activity in that important department. It was in answer to those complaints stated by Ministers, that many vessels were built, or were building, that a great quantity of stores were provided, and that various ships were placed in commission. This was all very satisfactory; but, undoubtedly, these objects were not, and could not, be attained, except at a great expense; and much difficulty was, he believed, experienced in the other House in obtaining the necessary supplies. For the last three or four yeers attempts had been made to lower the expenditure; but it had been found necessary recently to tolerate a fresh and more extensive expenditure, and, certainly, the circumstances which demanded that expenditure did not now press less heavily on the country than they did at the time when it was proposed. It would be wrong, in his opinion, to shut their eyes to what the governments of other states were doing with respect to their naval force. He was not one of those who entertained any great fear or apprehension as to the naval force of Russia. Still, when they considered the uses to which that force might be applied, it was impossible not to consider the matter as one of deep national interest, and to ask, " Are we prepared, if necessity should demand it, to take such a position as will enable us effectually to counteract any hostile movement of that force?" So again, with respect to France. The report made by the French minister of Marine—a most able and well-drawn report—could not but excite attention. That minister, proud of his nation, suggested matters in that report for the increase and improvement of the French navy, which it was very reasonable for him to make, and very proper for the Sovereign to adopt, but to which our attention ought to be anxiously directed. Without accusing France of any hostile design whatever, he did think that the mere fact of the framing of that well-digested, well-considered, and most judicious report by the French minister, demanded the serious attention of this country. No person ought to treat it with carelessness or indifference. It was true it contained nothing that could be made the subject of complaint or of remonstrance; but it was of such a nature as did call upon them for serious consideration, and the more they reflected on it, the more important and the more worthy of attention it would appear. With regard to America, its fleet was found everywhere, and still, without showing any remarkable jealousy, that fact justified him in saying that it was not possible for them, in the present state of things, to diminish the expenditure for the Navy. These were the grounds which made him feel so exceedingly uneasy for the state of their finances. But there were still one or two other things as affecting the state of our revenue to which he would allude. The first was the unintelligible state of things which existed with respect to the government of China. Nothing had been laid before Parliament with respect to the views of her Majesty's Government upon that question, or as to what were the steps they had taken, or intended to take, with respect to it; but one thing was quite clear, that it was an interruption to our commerce, and no one could say how long it might last. But it was an interruption to a most important branch of commerce, and seriously affected our finances, because it involved in its effects not only the mere question of the opium trade, and the expenses and ruin of merchants by the loss of that trade, if we were to lose it; but, besides that, a loss of no less than 3,500,000*l.* of our revenue, as derived from the article of tea; and if this interruption should go on, there was another cause of dangerous diminution of our revenue. The price of tea was already very much enhanced in the anticipation of its quantity being diminished, and in consequence the quantity consumed would decrease, and there would be a material diminution in that important branch of our revenue. In the midst of all this came another measure which appeared more than anything else calculated to fill them with apprehension—he alluded to the Post-office measure. He was not going into that question at all as to the policy of it, or as to the possibility of its succeeding in giving to the public the benefits anticipated. As to its failure or success, the time which had elapsed had been much too short to enable them to form any judgment; but he really did think, and he had said so last year, that it had been an ill-timed experiment, and he did not think that there was anything in the state of our finances at that time which could warrant the making of such an experiment, and at the same time to be prepared to meet the inconveniences and evils as regarded the finances of the country, which that plan might entail. It was true, that in the passing of that bill Parliament had given a pledge that it would make good any deficiency which might arise. That pledge, when it was redeemed, he should consider undoubtedly to be very satisfactory indeed; but their Lordships would observe that that pledge did not apply to any deficiency of revenue except that caused by the new Post-office plan; and though Parliament was bound to obey that pledge to make up that deficiency, yet with regard to the other deficiency of 3,000,000*l.* in three years which he had named, would Parliament make up that, and do away with that great evil, an habitual borrowing of money in time of peace? These considerations and facts, which he believed to be facts, and those considerations which appeared to him to follow naturally from those facts, had led him to take the liberty of troubling their Lordships on the present occasion, and to call their attention to the subject. It could not be for him to suggest any remedy; he had no business to suggest it, or right to suppose that any suggestion of his would be listened to. But he felt the case so strongly, and thought the interests of the country involved so much in our present condition, that he could not abstain from calling their Lordships' attention to it; and if he had attracted the attention of those who had the power and the will, he hoped to deal with it in a satisfactory manner, he should be quite satisfied. He should conclude with moving for a return of "The statement of the net income for the last five years; a statement of the funded and unfunded debt for the last five years; and a copy of the Post-office minute of the Treasury issued in last September."

Viscount *Melbourne* said, the noble Lord had called public attention to what he rightly held to be a subject of the most pre-eminent importance. He could not but express his entire concurrence in nearly all that had been stated by his noble Friend, and almost in all the facts that he had stated, in that sort of general view which he had taken of the state of the affairs of the country both at home and abroad. He entirely agreed in the general principles laid down by his noble Friend both political and financial. He entirely agreed with him in the approbation which he had expressed of the sinking fund, as it was in the administration of the noble Duke, and he entirely agreed with him in the extremely disagreeable state of the financial affairs. He had, however, no great fear as to the deficiency. The noble Lord said, that the noble Duke conceived it to be a necessary principle that the state of the finances of this country should always show a surplus of revenue over expenditure. He did not entirely agree in that. It depended, in his opinion, entirely on the amount. If there were a small deficiency, he should say it was not wise to call on the country to make exertions to make up that deficiency; but to trust to the natural strength of the resources of the country, to do away with that, and satisfy that deficiency. But at the same time he admitted to his noble Friend, that that deficiency continuing year after year, growing and increasing, was a state of things which could not be permitted to go on, and it was a financial state of the country, which it was necessary for the country to look boldly in the face, and to take such measures as were necessary for avoiding of the the evil, and removing the danger. It was impossible to entertain a doubt about that; but it must, at the same time, be felt that in financial difficulties and in financial perils and dangers, as in all other dangers, it was necessary to have a certain degree of boldness, and confidence, and courage; it was necessary not to act entirely at all times by rule in the course they thought it necessary to take from the circumstances of the country. His noble Friend had stated very truly, that the deficiency was caused, not so much by any falling off of the revenue, not from any failure of the productive powers of the country, but from circumstances which had produced a pressure on the finances—a pressure from which this country, or any other country, might recover by its own exertions, and by the operation of natural causes. But it must be admitted that the expenses of this country had been growing, in a very great degree, from the causes which his noble Friend had mentioned; and he was afraid it must be admitted, that not being able to look into futurity, and looking at the affairs adverted to by his noble Friend, there could be no material diminution upon any of the points to which he had alluded. He did not think it necessary to follow his noble Friend through all the question to which he had called their Lordships' attention, but he (Visc. Melbourne) must unquestionably fairly admit many of the causes of expenditure which the noble Lord had stated. He did not fairly see any probability of any Government being able greatly to diminish the expense of the military or the naval force. These establishments had increased. They were placed very low in 1816, when his noble Friend was in the Government; they were placed on a scale then unequal to the exigencies and growing difficulties of the country; they were placed on a scale which had from that time at various periods called for continual increase; and unquestionably he did fear and apprehend that there was much truth in all the arguments which his noble Friend had stated, and which he did not mean to controvert; nor did he think that his noble Friend had taken at all an unfair or unjust view of the state of affairs, or that he had exaggerated any point, or stated anything so as to excite alarm, or to produce a greater idea of danger and difficulty than that which really existed; but he thought he had shown that he was not possible consistently with the due regard to the safety and interests of the country to make any great reduction in its establishments, or in the extent of them. Unquestionably, the embarrassment which existed in the internal affairs of the country would pass away, and there would not be the same demand for exertion in that respect as unfortunately had existed of late years. With respect to Ireland, he had certainly the strongest hopes that tranquillity, which his noble Friend did not seem to doubt, was established, though his noble Friend had questioned the basis on which it was established. He should hope that it would not be shaken. He saw no possibility of diminishing speedily the military force employed in Canada. With respect to the boundary question, he could not but entertain, from the tone held on this subject by the Government of America, strong hopes that it would be brought to an amicable termination. The navies of other powers had been, he admitted, increased. He did not think, therefore, that England should keep up a force equal to the united force of all the navies of the world, but that it would be sufficient if she had a corresponding force. With regard to China, he would not enter into any explanation; it could only be unnecessary, and might be in some degree injurious. That empire was one of a very strange and singular nature. A crisis had taken place; it had been often feared, and it was very likely to arrive—a crisis pregnant with all these commercial difficulties, and with all those financial consequences, and threatening that loss of revenue, which had been pointed out by his noble Friend. The noble Lord also pointed to a loss of revenue likely to be sustained by the bill of last Session for the reduction of the duties in the Post-office department. A large diminution of revenue was always anticipated from the carrying out of that plan—a plan adopted *bonâ fide* by her Majesty's Government; and, notwithstanding what he had seen written by a faithful Councillor of the Crown—in a pamphlet signed by a Gentleman who considered himself as a faithful Councillor of the Crown—that that measure was not brought forward under the expectation that they should pass it, but that they should be relieved of the disadvantage of that by its being thrown out by the noble Lords opposite; he did think that faithful Councillor of the Crown was a man of very lively impressions, and apt to take the pictures of his own imagination for realities. It was often the case, that persons of very lively imaginations had a fault of conceiving that what they suspected was certainly true, and then setting down that supposed truth as the basis on which they acted. That was a frame of mind which he had found in more persons than one to be productive of very great mistakes. To assume the motives that others acted on, and then to set it down, that they did act on them, was productive of great errors. Unquestionably it was very well known by all who recommended and by all who adopted that scheme, that it involved a very great loss to the revenue. The noble Lord said, a pledge had been given by the House of Commons to make up that loss to the revenue, but that pledge extended only to the loss by the Post-office project, and did not extend to any loss of revenue which might be caused by those other expences and those other events to which his noble Friend had alluded. He begged leave to say, that he neither feared the deficiency which was to be incurred by the Post-office project, nor indeed which might arise from any other necessary expense. He felt confident with respect to that deficiency, or with respect to any other, that the energies of the country, that the patriotism of the House of Commons and of the country, from a due regard to the validity of contracts, from a due regard to the honour of the country, and to her station among nations, would be amply sufcient to induce them to meet the financial difficulties of the country boldly and firmly and in such a manner as should be adequate to the occasion, whatever the occasion might be which might arise. Therefore it was that he felt so confident with respect to any deficiency which might arise from other causes, as also to the deficiency which might be incurred by the adoption of this measure, which the House of Commons had distinctly pledged themselves to make good. He thought that the noble Lord had done his duty in calling thus early in the Session the attention of their Lordships to a matter of so much importance. He perfectly admitted the greater part of the facts of the noble Lord. He unquestionably saw the difficulties of the country in this respect; and unless the country was prepared to exert itself, it must lose its place among nations. He felt fully confident in the energies of the country to carry itself through its own difficulties.

Returns ordered.

CHARTIST PRISONERS.] Lord *Brougham* presented a petition from two persons who were confined in Chester Castle since August last, on a conviction for having used inflammatory language at a meeting, and for which they were to be imprisoned for twelve months, after being duly convicted in due course of law. The petition stated a variety of things, but not to trouble their Lordships, he would only recommend it to their best attention. He begged to state that it was committed to him in a letter from a respectable solicitor residing at Manchester, and the statements rested only on his authority, and, therefore, he was not answerable for them. If true, it would appear the Justices present were not well advised, that the practice of the law required that the person to be committed, should be present at the examination of the witnesses against him, that he might hear the evidence and have the power of cross-examining them. This it was stated, the magistrates did not do; but the petitioner, who was a medical man, said the witnesses were severally introduced, and instead of being examined in the usual way, and giving their answers subject to cross-examination, a paper was read over to them by the magistrate's clerk, and they were asked whether the statements which purported to be evidence taken down before was true. This was not the proper way, for the examination was not taken in the presence of the parties, and it was one thing to read over a paper, and another to examine, and thus subject them to cross-examination. The other ground of complaint was, that the party, when called upon, was proceeding to state his defence, but was told he must speak so slow that the clerk, who could not write short hand, might take down every word he said, that it might be used in evidence against him. That was a very great mistake; for the use to be made of the defence was not that of having evidence against him, but to influence it in his favour; and he really hoped no party would again be required to utter his defence in such a way, since many would thereby be obliged to hold their peace. No person was more cautious than himself in interfering with the administration of justice; but he had thought it proper to state these facts to their Lordships, and he submitted they were well worthy of their consideration.

The Marquess of *Normanby* said, that he had a considerable correspondence with the sitting justices on the subject. As far as the case had come before him, he thought the magistrates were justified in the course they had taken. He would, however, make further inquiry on the matter, and lay the results before their Lordships.

Adjourned.

HOUSE OF LORDS,

Friday, January 24, 1840.

Minutes.] Bill. The Royal Assent was given to Prince Albert of Saxe Gotha's Natulization Bill.

Progress of Socialism.] The Bishop of *Exeter* rose to present a petition, very numerously signed, by 4,000 of the clergy, magistrates, merchants, and traders of the town of Birmingham, on the subject of the system of Socialism. It was proper to observe, that the petition contained the profession and place of residence of every gentleman by whom it was signed; and, large as was the town of Birmingham, their Lordships would find that the signatures comprised a large proportion of those who might be considered the most respectable in that town. The petition was of so important a nature, that, with their Lordships' permission, he should beg leave to have it read at length. [It stated that the people's morals were endangered by the spread of the system denomined "Socialism," which was greatly increased by the exertions of Mr. Robert Owen; and prayed their Lordships to take such steps as they might deem necessary, in order to check the growing evil.] In moving that this petition be permitted to lie on their Lordships' table, should, he feared, feel himself obliged to address their Lordships for a longer time than was usual on the presentation of a petition; but the vast importance of the subject to which the petition related, he trusted, would be received as his excuse. He had done anything but court the office that had been cast on him. It was the most distasteful office that could be imposed on any man. Involving, as it did, the statement of doctrines that were hostile to the interests of morality and religion, he could not approach the subject without feelings akin to horror; and, looking to the peculiar position which he held, their Lordships would readily conceive that such considerations must press most grievously and most painfully on his mind. When he came down to the House the other night, this petition being then in his possession, he thought it right to ask the noble Marquess at the head of the Home Department, what her Majesty's Ministers meant to do with respect to the proceedings of a body called "Socialists!" He had supposed that her Majesty would have been advised to give directions to the magistrates or others to whom the preservation of the peace was intrusted, to take proper notice of what occurred, that appeared to be illegal in the course of the meetings at which those people, the Socialists, assembled. To his utter astonishment, however, he heard that her Majesty's Government had done nothing of the kind; had issued no instructions; had taken no notice of these proceedings; because, as the noble Marquess said, " the Socialists had not offended against the law," and the noble Marquess added, " that when the Socialists offended against the law, her Majesty's Ministers would be ready to proceed against them, as they would against any other parties who violated the law." His astonishment was so great, that, plain and explicit as was the language of the noble Marquess, still he thought it but fair to the noble Marquess, as well as to himself, to ascertain particularly what he really said and meant. He therefore stated to the noble Marquess what he understood to be the effect of his answer —namely, that " her Majesty's Government did not interfere, because those Socialists had not offended against the law." The noble Marquess did not state that he himself knew nothing of those persons having offended against the law; but he had boldly stated, that they had not done anything contrary to the law. Now, he did not mean to hold the noble Marquess to that point. He did not suppose that the noble Marquess was acquainted with all the proceedings of the Socialists, and could therefore say, of his own *k*nowledge, that they had done nothing that was unlawful. He was very far from supposing any such thing. But he put this construction on the words of the noble Marquess, and he did not know that he could put a fairer construction on them—namely, that the noble Marquess was generally informed—and only generally informed—of the existence of this class of persons; because he was sure that no man holding so high a situation in the state, whose office pointed him out as the guardian of the peace and morals of the country, would let the system to which he alluded proceed for a series of years, without instituting some inquiry into the subject. He could not, therefore, conceive how a Minister of the Crown could, in that House, and in answer to his question, admit the legality of the proceedings of those parties, without any previous inquiry having been instituted as to the nature and object of those proceedings. His astonishment was, indeed, overwhelming, when he was told that these Socialists, in the judgment of the Secretary of State for the Home Department, had done nothing of an illegal character; but that when they did anything illegal, Government would be ready to proceed against them. He was not aware, he did not believe, that any person could for a moment suppose that either the noble Marquess, or any other member of her Majesty's Government, could have any fellow-feeling for those parties. He could not imagine that any idea of political aid, or of expediency, or any other motive of such a nature, could have appeared to her Majesty's Government to afford to them such a reason as should induce them not to proceed fearlessly and manfully to an investigation of the proceedings of the parties to whom the petition alluded. He should now proceed to touch upon the legality of the proceedings of the Socialists, and in doing so, he was rejoiced to see two noble and learned Lords present, who could correct him if he stated that which was erroneous.

Lord *Brougham* rose. He said it was almost the only time he had ever entered the House after its sitting had commenced. But it was proper that the right rev. Prelate should know that he was charged with four petitions from the persons against whom the petition of the right rev. Prelate was directed; and he thought it was better that he should present these petitions before the right rev. Prelate had made his statement. The noble and learned Lord then presented a petition from the officers of the central board of the Society of Rational Religionists, vulgarly called Socialists. It was signed by Mr. Owen and others, and prayed for a full inquiry into their system.

The Bishop of *Exeter* objected to this course as irregular.

Lord *Brougham* wished to present the petitions now, because, if he took a different course, it would have the effect of dividing the discussion. The noble and learned Lord then presented similar petitions from Huddersfield, and two other places, having a similar prayer for full inquiry, in order that the effect and object of the society should be known, and that the public might be enabled to judge really of its merits.

The Bishop of *Exeter* said, he now rejoiced at this interruption, whether it were regular or not. He had abstained from praying that a full inquiry should be instituted into this subject, and he should state to their Lordships the reason, and the only reason, that induced him so to abstain. He had done so, because he felt that the result of such an inquiry naturally must be, that the Government would direct a prosecution against these parties, who were charged by him with crimes against the peace and welfare of society; and he did not wish that the parties so charged should have their case prejudiced by evidence taken on oath before that House, which might afterwards be used against them, and which evidence, in the first instance, they could not meet by cross-examination. On that account alone he had determined not to adopt that course, to which he was originally inclined. But now he told the noble and learned Lord, that he was rejoiced to find that the parties implicated called for a full and complete inquiry; and, if the noble and learned Lord moved for such an inquiry, he should strenuously support it, because this prayer of the petitioners had removed all the objections that he had previously entertained against adopting that particular course. He should now return to the point to which he was calling their Lordship's attention, when the noble and learned Lord introtroduced those petitions. He was then going to say, that he should undertake, with all humility, but still with honest confidence, to prove that the noble Marquess, in stating that these parties had not violated the law, had stated that which was not borne out by the fact. When he pointed out the real facts of the case, he had no doubt that their Lordships would see that a great, nay, a grievous violation of the law had been committed by the Socialists. And first, he would ask, what was this society? It was an organized society, having its branches and its various leaders and correspondents, and such a society the law of England did not recognize. Whatever the law might tolerate, with reference to the expression of individual opinion, either on religious or other topics, it did not tolerate such a system as this. If bodies of men combined together in different parts of the kingdom, and called into operation societies in various quarters, for the special purpose of altering the common law of the land, and of effecting an irreligious and immoral object, could such proceedings be considered in any other light than as a grievous infraction of the law? But the society to which he called their Lordships' attention was not merely an English society. No; it was an universal society. It professed its determination to extend itself all over the world; but at present he believed it had not gone beyond France. At this moment its influence was felt in England, perhaps he should rather say in the British isles, to a very great extent. According to its code, Great Britain was divided into fourteen principal districts. A congress met annually, which assumed to itself legislative power for directing the whole proceedings of the general body. That congress assembled, he believed, at different points in different years. Two delegates were sent from all the places where there were charter-branches of the society, not amounting to less than sixty-one. There was besides an executive body—the Central Court. He did not know how often that met; but he believed it was in a constant state and capacity of meeting. That body superintended the formation of associations throughout the land, and appointed missionaries to each of the fourteen districts into which the United Kingdom was divided by the society. There were no fewer than 350 towns regularly visited by those missionaries. Very small sums were individually contributed for their support. Twopence, three pence, and even less, was contributed by each member. But such was their number, that the subscription afforded those missionaries not less than 30*s.* per week, which, with other incidental advantages, made the situation a matter of importance to persons in their situation of life. When he spoke of persons in their situation of life, he merely meant to allude to their rank and situation, for he had known many men in their station who were gifted, not only with great natural capacity, but who were also distinguished by considerable attainments. And what he had read and seen as coming from some of these missionaries, proved that they possessed shrewdness and ability, however it had been perverted and misdirected. Indeed, he understood that those who were deemed fitted to be sent forth as missionaries, underwent, in the first place, a regular examination. The society also had a Tract Committee, by whom a large number of tracts were published—as many, he was informed, as 1000 in Manchester every Saturday. They had also established a paper which was denominated the *New Moral World*. It was prepared by themselves, and was extensively circulated. Now, he was sure that if the noble Marquess was in the habit, by himself or by others, of looking into the state of the periodical press, and if he or his assistants had taken even a passing view of that publication, he never would have permitted himself to have said, that those Socialists had done nothing offensive to the laws of the country. On the statement which he had made—a statement which he was sure could be proved—he would contend, with confidence, (if wrong he could be corrected), but he would contend, with some confidence, that a society, thus organized, was *per se* decidedly illegal. It was illegal under the 57th of George 3rd, which declared any society sending forth a representative or representatives, misionary or missionaries, for the purpose of meeting other bodies, should be deemed guilty of unlawful combination within the meaning of the Act of the 53rd of George 3rd., for putting down societies meeting for treasonable purposes and for preventing sedition. He therefore, contended that, looking to the facts which he had stated, a grievous offence against the law had been committed by this society as such, for its very existence was an offence against the law. He had given to their Lordships the title of the Socialist paper. That title very plainly expressed one object—the great object of this society—which evidently was to put an end to all the ancient institutions of this country, and he might justly add, of the world at large. The society wished to introduce a new course of what they called "moral institutions," from which religion was to be excluded; or in the constitution of which, if any semblance of religion was allowed, there was, at all events, to be no regard to anything like the immortal spirit. The *New Moral World* was to place us in an entirely new situation, such as he believed was never contemplated before Under that system there was to be no private property—no marriages—no religion. Now, there could be no doubt that any attempt to introduce such a system—that any at-attempt to overthrow and remove the whole frame of society in this country—was an offence, and a great offence, against the common law of the land. The object of the society evidently and avowedly was to destroy and subvert the existing frame of society, religious and moral, in this land. It was an illegal object—and this society, in pursuing it, acted most illegally. The great foundation stone on which this society was built was the doctrine of "the irresponsibility of man." In their published "laws and constitution" it is thus laid down:—

> "That the feelings and convictions of man are formed for him by the action of external objects on his organization—and that therefore man has not been created to be a responsible being; that there ought to be 'no praise or blame, reward or punishment, for any conduct whatever;' that, in those characters which now exhibit crime the fault is obviously not in the individual."

In order to shew that these were not mere words of course, he should state, that when Bolam's case (the case of a man who was tried at Newcastle) was before the public, one of their lecturers declared at Liverpool, that—

> "The murderer ought not to be punished, because he could not help it."

This was notorious. It was also declared in the Socialists'-hall at Huddersfield, a few weeks ago, that—

> "A man detected in the very act of theft ought not to be treated as a thief, because he could not help it."

Therefore, it was contended, that we ought not to enforce on him the penalty of what we called law. With respect to Mr. Owen, who appeared to be at the head of his society, he might be permitted to say a few words. He believed that Mr. Owen was a man now threescore and ten years of age, who had been before the world for nearly half a century. Now he wished it to be observed, that in his remarks he did not mean to speak especially of him. His observations went to the system; but in order more fully to elucidate the nature of that system, he should quote certain published statements of Mr. Owen. In a public discussion between Mr. Owen and the Rev. J. H. Roebuck on "the irresponsibility of man," that discussion having been undertaken at the request of the society, in order to shew that man was not responsible for his character, faith, or actions to God or man, Mr. Owen proceeded thus:—

> "It is my intention to prove that society can derive superficial and temporary advantages only from making man so formed, to be considered a responsible being; also that there are endless disadvantages arising from training man in the belief that he is responsible for the character which God and society alone have formed for him."

This struck at once at all human laws, which under such a system, must be considered glaringly unjust. But if such a doctrine were to prevail, how pitiable would be the situation of humanity! Principles like these struck at the very root of our moral and religious system. That being so, and it could not be controverted, those who endeavoured to introduce them here, and such was the design of this society, acted, he would contend, most illegally. Mr. Owen went on to say—

> "I will then shew the inestimable advantages which will arise when individual man shall not be made responsible for the character which God and society have compelled him to acquire—show the justice and necessity of making man irresponsible for that which is formed solely by God, and demonstrate that man is, to an illimitable extent, the creature of the external objects, animate and inanimate, by which he is surrounded."

Speaking of those who opposed his views Mr. Owen said—

> "It is a contest between those who believe that it is for their individual interest and happiness that man should continue to be kept in ignorance,and be governed as heretofore (meaning that he was responsible) by force and fraud, and those who are convinced that for his happiness he should be henceforward governed by truth and justice only. It will be obvious, even to children thus rationally educated, that all human laws must either be unnecessary or in opposition to nature's laws—that they must create disunion, produce crime incessantly, and involve all transactions in inextricable confusion." "All human laws are opposed to nature's laws; and therefore discordant, disunited and perplexed, and always produce more evil than good." "As soon as man shall be thus regenerated, he will discover that the present classification of society into the various grades of the aristocracy, professions, trades, and occupations, is fit only for man in his irrational or first state of existence; for the existing classification can form only fools and knaves, the oppressors and the oppressed."

He would do Mr. Owen the justice to say that, far from being a bloody-minded man, he had always appeared to be the advocate of peace. Until he came to the passage which he was about to read, he had believed Mr. Owen to be a man rather disposed to peaceable measures, and who really wished to effect his object in a quiet manner. But he was sorry to say, that in his discussion with the Rev. Mr. Roebuck he adopted a style and manner not usual with him, for he went so far as to threaten the Government. He said,

> "It is the interest of every individual of the family of man that this great and glorious change should now be commenced; and that all Governments should lend their aid to perfect it, that it may be produced without force, peaceably and by reason. But should the Governments now decline, from ignorance of their present position, to take the lead in this great work, then will the people of necessity undertake and accomplish it for themselves and for the Governments."

This was as much as to say, that our present institutions should be destroyed, peaceably, if possible, but destroyed at all events. If the Government did it themselves, why, well and good; but if not, the people were to secure that state of things which Mr. Owen had described; and how, in that case, it would be secured, he need not explain to their Lordships. Looking at the whole organization of this society, marking the publications which they had sent forth, he could not view it in any other light than as an illegal community—a community banded together for illegal purposes, against the existence of which the Government ought long since to have wielded the power of the law. He now came to another and a very important part of the subject, which the Socialists had brought before the public in a variety of ways. Their Lordships must, he thought, have heard of the frequent denunciations of that sacred tie, that holy bond, on which the welfare, and happiness, and moral rectitude of man, under God, depended more than on any other institution whatsoever—he meant marriage. But what did the Socialists say of that bond? Why, marriage was held up to scorn and detestation by those people as a "Satanic institution," an "accursed thing," a "cunningly devised fable of the priesthood;" and they declared "that it should be abolished both in principle and practice;" for that "nature alone ought to direct the association of the sexes in man as in other animals." On this subject he should quote one or two passages from Mr. Owen's *New Moral World.* He selected those passages because they were more fit for their Lordship's ears than others which he might quote. Mr. Owen, speaking on this subject, said,

> "In my previous lectures I hastily glanced at some of the leading evils necessarily arising from the priesthood, the laws and magistracy, and the military. I now proceed to notice, in the same hasty manner, some of the remainder of these Satanic institutions, or institutions of moral evil; and first of the unnatural or artificial union of the sexes."

That unnatural union, as Mr. Owen called it, was "marriage."

"There is no hope for you," Mr. Owen continued, "until you acquire sufficient strength of mind to overcome this evil (marriage), and openly denounce it both in principle and practice."

This expounder of Socialism thus proceeded:—

"What! not speak of the marriage state and its endless crimes? Why, what absurdity yet remains in the public mind, not to speak and expose the greatest of the practical sources of vice and misery!" Again he said, "I resume the subject of marriage, because it is the source of more demoralization, crimes, and misery, than any other single cause, with the exception of religion and private property."

And then he explained in these words the course to be taken before the foundation of the new moral world was laid:—

"When (said he) we shall have explained, in future lectures, the direful effects on human nature of the other two great sources of crime and misery in the old immoral world, viz., private property, and what the priesthood has heretofore called religion, we shall be prepared to lay the foundation, and build up the new moral world."

If the noble Marquess ever read anything so light as a newspaper, if he ever turned his attention to the minor periodicals of the day, he might have seen these revolting doctrines promulgated—promulgated by those individuals who, he asserted, had done nothing contrary to the law. The noble Marquess lived in the world, he walked through the streets, he knew what was done in this our world, or if he did not he was not fit for the high and responsible situation which he held. If the noble Marquess deigned to notice what he said, if he thought fit to give any answer to his observations, he was perfectly sure that the noble Marquess would not deny the fact, that he did know that such as he described them were the doctrines of the Socialists. What, then, were they to think of a public functionary to whom her Majesty had intrusted the important duty of watching over and preserving the morals of the land, and who had suffered such objects and principles to be openly avowed, without appealing to the powers of the law to check so monstrous an evil? The noble Marquess had declared that these tremendous notions were not contrary to the law of England. He was astonished at such an assertion from a minister intrusted with the morals of the land. It was ridiculous for him to quote any authority to prove that these proceedings were against the law; but, as he had an authority, he would quote it:—

"The Court of King's Bench has cognizance of all offences against the public morals, under which head may be comprehended representations, whether by writing, picture, sign, or substitute, tending to vitiate and corrupt the minds and morals of the people."

That was a passage from Russell's work on crime. He believed that book was one of considerable authority; but it really required no book of any sort, but one's own plain common sense, to know that this must be the law of the land. Religion, he grieved to say, was also made a point of attack in the principles of Socialism. Mr. Owen has declared

"That the truths of revelation are 'diabolical falsehoods invented by man;' that 'all religion is founded in error;' that 'there is neither God nor Devil, heaven nor hell.'"

The Socialists have accordingly published a pamphlet, entitled *Community the only Salvation for Man;* in which it is also declared that

"this world is the only heaven man has to enjoy."

A few weeks ago the walls of Manchester were placarded with the following announcement:—

"Just published, *The Holy Scriptures Analyzed, or Extracts from the Bible, showing its Contradictions, Absurdities, and Immoralities, by Robert Cooper,*' who is a Socialist lecturer."

These placards and this work, together with Mr. Owen's works, had been extensively circulated in Manchester—a town inferior in population only to London. The *Book of the New Moral World,* by Robert Owen, said,

"The religions founded under the name of Jewish, Budh, Jehovah, God or Christ, Mahomet, or any others, are all composed of human laws in opposition to nature's eternal laws; and when these laws are analyzed they amount only to three absurdities."

After stating as a law,

"That each individual is so organized that his will is formed for him by his feelings or convictions, or both; and thus his whole character, physical, mental, and moral, is formed independently of himself."

The book thus proceeds:—

"The error respecting the law of human nature has led men to create a personal Deity author of all good, and a personal Devil, the author of all evil." "All the mythologies of the ancients, and all the religions of the moderns, are mere fanciful notions of men, whose imaginations have been cultivated to accord with existing prejudices, and whose judgments have been systematically destroyed from their birth." "It follows that, as all religions and codes of laws are founded in the error that there is merit or demerit in belief and in feeling, religions and laws must have originated in some error of the imagination, similar to the universal error, maintained through unnumbered ages, that the earth was flat, immoveable, and the centre of the universe."

With regard to death and a future state of existence, he said—

> "At dissolution each particular organization returns to the same general elements, to give new life to new compounds, death itself being considered simply as a change of one organization for others."

The practical result was thus drawn by R. D. Owen, son of Mr. Owen:—

> "He lives for this world, because he knows nothing of any other; he doubts all revelations from heaven, because they appear to him improbable and inconsistent; he desires to see the thoughts and efforts of mankind directed solely to the improvement of their own and their fellow-creatures' condition on this earth, and to see men's wishes bounded by what they see and know: because he is convinced that they would thus become more contented, more practically benevolent, and more permanently happy, than any dreams of futurity can make them."

Now, this was the language of Mr. R. D. Owen, the son. The wretched father had in his discussion with Mr. Roebuck thus stated his own view of his own state:

> "What is it to me what becomes of an existence so insignificant as I am?"

However insignificant that individual might deem his own existence to be, he trusted there might be, that in his case which in judgment was infallible, and which might save him from the tremendous state in which he professed himself to be. He earnestly and sincerely hoped that, at all events, while he believed he yet was permitted to live, he might live long enough to know how infinite was the value of that existence which Mr. Owen said was so insignificant. It was not regarded as insignificant by Him who gave it Mr. Owen, and it was not regarded as insignificant, thank God, by Him who had died for that unhappy man—who died to save sinners, and who even now would receive him to salvation, and convince him beyond all that his imagination could conceive, of the immense value of that being of which he was so careless, that compared with it all the objects of this world, which alone seemed to be his care, compared with his own individual existence, all the wealth and all the enjoyments of the world, were absolutely as nothing. He wished that this individual, as well as others, had been content that there should be simply irreligion charged to him, that there should not be even worse charged to him blasphemies of the worst description. Mr. Owen said in his discussion with the Rev. J. H. Roebuck,

> "The Christians and Jews have made their imagined Supreme Being the most inconsistent capricious, unjust, and cruel monster, that the deranged or irrational faculties of human nature could combine into an imaginary existence. I do not hesitate now to say to the audience, and to let it go forth to the world, that if the Deity, as described in the Jewish and Christian scriptures, be a true description of any being existing in the universe, it is one of the most ignorant, inconsistent, cruel, and unjust beings that the human imagination can conceive."

On being accused of atheism, Mr. Owen said,

> "Mr. Roebuck said he would prove from my writings and my speeches that my principles were atheistical. On this point I have only to remark, that I do not know what he means by atheistical. But my principles are true, if there be truth in fact; and if truth be atheism, then I will submit to be so considered."

Now it might be said that this was only the statement of an individual in an extraordinary state of mind; and if on a jury he should feel it probably to be his duty, on trying him for any offence, to give him the benefits of a doubt as to his rationality. But their Lordships would permit him to remind them, that this book of Mr. Owen's, which he held in his hand, was the very book to which the whole community of this new society said that they looked, as containing the direct expression of their sentiments, and that whatever had been put forth by Mr. Robert Owen contained their principles; and he said, therefore, that that society which made such an avowal was an illegal society, which ought to be put down by the strong hand of power, if there was one in this country. Let it not be supposed that this was the only individual who spoke or wrote in this manner: this he grieved to say was not the case. The society had hired lecturers and missionaries, whose business it was to preach these doctrines in the 350 places which he had mentioned, and in them to sow the seeds of these tremendous errors. An individual who was present for many hours at one of their meetings had given him a long list of blasphemies and horrid immoralities which he had heard there. He would not go through them all, but he had got two specimens which he would quote. The individual was quite ready to testify the accuracy of these statements before any committee that the noble Lord might move for. [Lord *Brougham.*—I am not going to move for a committee.] The noble Lord was too wise a man, and it would be the height of injustice for him (the Bishop of Exeter) to say, that he was *particeps criminis* with the individual who put a paper in his hand; but he thought it possible, that he would have moved, that the prayer of the petition which he had presented should be granted—namely, that there should be inquiry. He thought it a very fair demand. But he would quote to their Lordships what his informant had heard at Birmingham:—

"At the Socialist place of meeting, Birmingham, only so late as Sunday evening last, the 19th of January, the Socialist missionary stationed there thus spoke of God—'What a monstrous God! Who would call him a just God? I say he is a bloody and barbarous God, and we will not serve him.' On Sunday evening, Nov. 25, 1839, the same missionary at the same place said—'Neither he nor the Socialists, acknowledged that vindictive Being called the Lord of Hosts! Preserve us from such a Lord of Hosts!'"

He was sure he had done enough; but he had done no more than his duty, painful as it was to his own feelings to deal with these things; he had yet felt it to be his duty to produce some of them. He assured their Lordships, that he had not produced the worst specimens. The blasphemies written by some of these unhappy men were so horridly mixed up with obscenity, applied to the most sacred subjects, that he could not, even to carry the point of convincing the noble Marquess of the necessity of not permitting such things, even if it depended on the production of a single specimen, he could not and would not, do it. Their Lordships might well believe, that matters such as these, when addressed to bodies of persons assembled to hear them by missionaries who endeavoured to entangle their hearers in the meshes of a most specious sophistry, when the passions of men were engaged on the same side, and unhappily this particular part of the country (to the shame of the country and to the Government—not only to the present Government, but to the Governments of the last half-century) had been abandoned to ignorance, and left without the least instruction that there was a God; that to such men as these, these horrid blasphemies, mixed up with the statements he had mentioned, could not fail to produce effects. These statements had produced effects, and cases of suicide, under circumstances of the most dreadful suffering, had occurred, which had been brought about by these pernicious doctrines. More than one instance had been brought to light where this had been the case. But there had just been brought to his notice that day a rather striking instance of this, which had occurred at Wolverhampton. Mr. Parke, a most respectable inhabitant of that town, had an apprentice, who had been in the habit of attending Socialist meetings, and hearing their lectures. He purchased all their publications, and his master's shop not being of that kind to furnish them, he was obliged to go elsewhere to obtain them. He would read the remainder of the narrative for their Lordships:—

"The peculiar circumstances of his death I think you well know. He dined and drank tea with Mr. Parke, as usual, on the Sunday, and left after tea to attend St. George's Church, which he did. Not coming home at the usual hour, Mr. Parke sat up for him till twelve o'clock, when, as he had not returned, he concluded his relations had detained him. He was, however, found dead in a sort of lumber-room the next morning. Two bottles of poison were lying by his side; the one which occasioned his death contained prussic acid, the other nux vomica. And now we come to the gist of the matter. Near him were lying four letters, one addressed to his father, another to Mr. Parke, a third to the jury, and a fourth containing his creed, in all of which, I believe, he expressed his disbelief in the Bible, considering it 'the most dangerous book that was ever written,' and if ever such a person as Jesus Christ lived, he was 'the weakest man ever heard of.' He stated in one of his letters that he had been nurtured in superstition (meaning, that he had been brought up a member of the Church of England), and that when he read Owen's works he 'shuddered at their common sense.' He denied all belief in a future state of retribution, and, as he considered apprenticeship a state of slavery, he thought it the wiser plan to suffer pain for a moment than to endure six years' servitude. He earnestly entreated the jury not to return a verdict of 'Insanity,' as he assured them he was in full possession of his faculties, he therefore hoped they would return a verdict of '*Felo de se.*' He was about sixteen years of age, of excellent, indeed superior talents, great vivacity and cheerfulness of manner. His uncle, after the verdict had been returned, declared aloud, before a crowded room, in a most vehement manner, that, were he in the presence of the Queen, he would proclaim Owen as the murderer of his nephew."

He ventured to say, that any one of those gentlemen who sat on the jury would neglect their duty to her Majesty if they forbore to tell her Majesty what had been the ascertained result of the writings of a man who had been presented to her Majesty. Upon that presentation to her Majesty he should have a few words to say presently; he recollected that a proper notice had been given on that subject, and he should therefore be ashamed to enter on any pre-statements. He had now gone through all that he thought was necessary, though he had not stated anything like even a fiftieth part of the case—anything like a fiftieth degree of the monstrosity of the case. He had now, however, gone through all that he thought necessary to prove, that this community of Socialists was an illegal body, and that it ought to be known to be illegal by her Majesty's Principal Secretary of State for the Home Department. And if all these things had been going on for years, they had been going on for years, they had been much aggravated during the last three months, and these proceedings had become greatly worse since the noble Marquess had been in office. It was a matter merely of time; he did not believe the noble Marquess intended to encourage it; but if these individuals had thought, that the noble Marquess was likely to be negligent of these matters, and that from what had appeared of the conduct of the noble Marquess in another country he would be negligent of their proceedings, they had not thought wrong, because he (the noble Marquess) had told them three evenings ago, that he knew nothing of their proceedings, though this community of Socialists were living in the open violation of God's most sacred laws. It was said, that this was one of the innumerable forms that vice and folly would assume. That he must say, did not at all square with the declaration of the noble Marquess the other night; that ground was now struck from under him, for the noble Marquess said, he knew what these bodies were doing — that they were doing nothing illegal. But the assertion of that noble Secretary of State, that he had not ordered the laws to be put in force against these people, because the laws had not been broken; implied that he had made an inquiry into what they had done. If he had not made inquiry into what had taken place, as Home Secretary, he would ask, was there any part of his duty so stringent as this? It was the duty of the noble Marquess, to interfere, and he called upon the noble Marquess, in his place, to state whether he would make inquiries into the subject, and having made the inquiries, whether he persisted in the declaration he had made on Monday night. The noble Marquess and the House were in great error, if they supposed this matter was of little moment in the country, or that these were the efforts of obscure individuals: on the contrary, the system had not only a wide range, but was in a most flourishing state. From their own newspaper—a weekly journal, called the *New Moral World* — and he could easily produce other proofs of the same kind, he could prove that fact. In their journal of the date of the 9th March, 1839, in order to show the extension, diffusion, and progress of that system, they stated:—

"We are glad to find that the necessity for united exertions in the building of Social institutions is now extensively felt. Our Sheffield brethren, who have been the first to act, and have raised a beautiful building for their lectures, last week called upon their fellow-members in the other branches to assist them. Our friends at Leeds, who at present have one of the largest and most beautiful rooms in that populous town—Walton's Musical Saloon —find it necessary to swarm to a larger hive. In Liverpool, Birmingham, Halifax, Macclesfield and other places, subscriptions are also raising for the erection of buildings."

These erections had gone on to a very considerable extent. At Liverpool an individual had guaranteed the expense of a building to a very large amount, and at Manchester, four individuals had contributed 5,000*l*. for building, what they chose to call a Hall of Science for Socialists: that building they had located in an extraordinary place—in one of the squares of that town, in which stood one of the churches; there, on the fourth side of the square, they had at a cost of 5,000*l*. erected their "Hall of Science." In the proceedings of the fourth conference they had given a certain account of their pecuniary means, and from that it appeared that they were anxious to get possessed of estates in the country upon which to carry out their views of colonization, or rather of common property, into effect, and that they were in treaty for the purchase of an estate at a cost of 22,000*l*. That sum, it appeared, was too much for them to pay down, but not too much for them to find securities for, Two individuals were ready to produce 10,000*l.* each; another offered 2,000*l.*; others, again, smaller sums from 150*l.* downwards. All these things were stated in the proceedings of the fourth conference of this most innocent and harmless association. Their Lordships, therefore, would not fail to see that the system was not confined to the lowest branches of society in this country; let their Lordships but read their proceedings, and they could not but observe that among the Socialists there must be men of education and of considerable talent. The proceedings of the conference were as methodical as those of a House which the noble and learned Lord near him (Lord Brougham) and he knew very well; the whole course of those proceedings evinced a good deal of intellect and station in society. There were also persons concerned in this system who from their official stations, would not be expected to be so concerned. There was among the Socialists one public officer who had been appointed to his situation by the Government; that individual held the office of superintendant registrar of births, marriages, and deaths for the Birmingham district, a district which extended over a very large portion of the neighbourhood, and until very lately, he was the vice-president of the central board of Socialists. This individual, Mr. Pare, did not think the last station interfered with the decency of his office, but absolutely boasted of, and avowed it, and painted it on a board over his office door. The rooms held by Mr. Pare, as offices for registration, were also the publicly advertised offices of the Socialists, and all the charters for Socialist branches were signed by Mr. Pare officially and dated and subscribed there. He hoped, that the noble Marquess, at the head of the Home Department, knew nothing of the circumstance, for if cognizant of it the noble Marquess would have deserted his duty, by permitting the office of registration to be polluted by such a person. In consequence of the strong indignation of the public at this outrage of common decency, Mr. Pare was obliged to give up the vice-presidentship, but not the place of superintendent registrar of births, marriages, and deaths; that place he still occupied, and he continued, though less openly, an active agent of Socialism. He regretted to have to mention that Mr. Pare was not a solitary instance—other persons holding high offices were charged with giving open, avowed, and pecuniary support to the system. At Coventry, the use of the Guildhall had been granted by the mayor to a Socialist missionary or lecturer for lectures to be delivered in that place. This was obtained on the application of a most important individual in Coventry, and an active leader of the Socialists—the collector of the market tolls, an office to which he was appointed by the mayor and corporation. Such was the reformed corporation of Coventry. It had always been his misfortune to think that the Municipal Corporation Reform bill was a most disgraceful measure, and these transactions at Coventry had not altered his opinion. The mayor of Coventry, who had granted the use of the Guildhall to the Socialists, was afterwards applied to by a most respectable gentleman, of the name of Brindley, who had, in the most exemplary manner, and with rare ability, gone about delivering lectures with a view to the exposure of the horrors of the Socialist system. The mayor (to his credit be it spoken) without hesitation granted the rooms to Mr. Brindley. Now, the lecturer in favour of Socialism, had held the rooms for several nights, and Mr. Brindley anticipated that he was to have the same extent of permission, but the collector of market tolls found that Mr. Brindley was opening the eyes of the people of Coventry, and that it was time for him to stop his proceedings; he therefore called upon the mayor, and desired him to put an end to them. The mayor, a most accommodating personage, who had agreed to grant the rooms for lectures, both for and against Socialism, turned round, and at the solicitation of the toll-collector, absolutely refused to allow Mr. Brindley to lecture there any longer, and Mr. Brindley was obliged to have recourse to the theatre. He mentioned these facts to show the dangers of the system—that it did not operate only upon the lowest orders, but that it had influence upon high functionaries of the new municipal corporations. He (the Bishop of Exeter) ought to have stated that a requisition, headed by all the clergy and Dissenting ministers, begging that Mr. Brindley might be allowed to proceed, had been rejected by the Mayor of that time, who, he had been assured—nay, the fact had been boasted of by the Socialists, had since actually given money to the Socialists. He wished that Coventry was the only place of which the mayor had so acted, but he regretted to say there was another city where he had been assured the mayor had, in like manner, very recently given permission for the Guildhall to be made—he would not say the arena, but the theatre, in which one of the most violent of the lecturers in favour of Socialism had held meetings. He would not name the city, because his information was not derived, as in the former instance, from a person who knew the fact. [The Bishop of *London.*—" It was Lincoln."] He thanked his right rev. Friend; it seemed the other city had been named; it *was* Lincoln. He had already stated, that the Socialists had a newspaper of their own, having a very wide circulation. It, however, was nothing compared with the circulation of their tenets by another newspaper, which he was told had the widest circulation of any weekly journal published. He alluded to the *Weekly Dispatch*—a paper which advocated the principles and cause of Socialism. This showed the extent to which those principles were driven before the eyes of the people, and he would read an extract from a letter under the signature of " Publicola," published in the *Dispatch* of February 24, 1839, which had been quoted by the *New Moral World,* to prove that the doctrines of the Socialists were becoming popular:—

> " In my last letter I adverted to the cruel notions that prevail respecting the necessity of a true faith to salvation. A man, with respect to a future state, is no more responsible for his faith than he is for the length of his nose, or the width of his mouth. For a Deity to judge of a man by his faith, would be as preposterous as to decide his eternal life in the extremes of misery or bliss by the colour of his eyes, the paring of his nails, or the name of his tailor." " A restraint upon faith has ever been of the most mischievous consequences; but let us not attach her to national education." " At this incipiency of a system of national education, it behoves the country to assume a manhood, to exercise a vigour of intellect, and claim the right of private conscience. Let the people beard and defy priestcraft to its teeth, whether it be Protestant or Catholic, or whether it come under the name or authority of Talmud, Koran, Mahomet, Vishnoo, Bramah, Zoroaster, Pope, or Satan."

Thus had the doctrines of Socialists been upheld—thus had they had the benefits of the widely-circulated journal to which he had alluded. But this was not all. He had already told their Lordships that the Socialists had been desirous of possessing property on which persons were to live according to the scheme they were anxious to adopt. Though they could not buy such a property, still they had taken on a lease for 99 years a farm of 500 acres at no great distance from the town of Southampton. A clergyman, with whom he (the Bishop of Exeter) was acquainted, and who was allied to one of the greatest families of the country, discovered with horror that a large portion of the property was situated in his own parish, and from his curate a letter had to-day been received by a gentleman, who had put it into his hands, from which the following was an extract:—

> " A Socialist community is now forming on a large scale in Hampshire, and the following notice has been issued by the Socialist leaders stationed there: 'A lecture will be delivered at 2 o'clock every Sunday; after which, if the weather will not permit them to return to their labour, there will be music, dancing, and singing.' The clergyman of the parish expresses his very great alarm at the fearful consequences that will ensue, if allowed to continue. Already the number of attendants extends 500 at these Sunday meetings."

Now, he did not believe that in any agricultural district there could be found 500 individuals ready to give themselves up to such a demoniacal system as Socialism, but still it created dangers of a most fearful kind, which ought to rouse the apprehensions of those who had voluntarily taken on themselves the responsibility of guarding the morals of the people of England. There was now only one other point upon which he should say a word. The petitioners lamented the great impetus which had been given to Socialism by the presentation to Her Majesty at her court of Robert Owen last year. He alluded to this first, because it was specially mentioned in the petition, and secondly, because it had a bearing on that part of the case to which he had addressed himself. Such an incident could not be indifferent to the operations of the Socialists. He would not anticipate anything that was likely to be said on this subject on another occasion, but he must say this, that when the first Minister of the Crown took so very unusual a part as to present to his Sovereign, at her Court, an individual in the position of Mr. Owen, for the purpose of presenting an address from a society which appeared under so very questionable a title, that even if the noble Viscount had not had time to acquaint himself with its objects, still its title ought to have excited his attention. It was the address of the Congress of the Delegates of the Universal Society of Rational Religionists. That title, he contended, ought to have alarmed the noble Viscount. The noble Viscount ought to have seen that it was not a matter of every day's occurrence; it ought not to have been a matter of chance, or idle, careless good nature, to present the individual charged with an address bearing such a title—a title which should have told him it was his duty to inform himself who the individual was, and who were those he represented. But the address of the Rational Religionists did not contain one word about religion. He would not inflict upon their Lordships the reading of it, but would merely say it gave a vague description of the views of the society. Now, he, (the Bishop of Exeter) stated, that the effect of this proceeding was, as the petitioners truly said, to give an important impetus to the system, and of that fact he had the following testimony contained in their own newspaper:—

> "It has long been the fashion for the opponents of Socialism to stigmatize it and its professors as alike despicable and non-respectable. They have tried to wink at its progress."

He did not believe that the country had done so, though her Majesty's Government had.

> "But the self-delusion will endure no longer. In the presence of its founder at the Court of his Sovereign—in the claim of his disciples to be heard on the important question of human regeneration—they read clearly the onward progress of our views, and their ultimate triumph over every obstacle which ignorance may lay in their path."

Such was the practical result of the most unhappy presentation of that unhappy man. What was to be done in the case was a question on which he was not at the moment prepared to give a definite opinion. He hoped, however, that their Lordships would hear from those who ought to act in such a case, that all impulse from others was unnecessary now that the facts had been brought to their notice, and that, at last, they would redeem their past oversight, and would assert the injured dignity of the law. He trusted the House would not again be told that this body, with their proclaimed objects—objects pursued with talent and energy—was to be disregarded. He defied the noble Marquess at the head of the Home Department to forbear proceeding, and he called upon him in the face of that House, the sanctuary of the justice of the country, to give their Lordships an assurance that night, that he would inquire into these facts now brought under his notice, and if, on inquiry, he found them to be anything like true, he would not expose his Sovereign and himself to the reproach of having abandoned the best, the most sacred, and the most holy interests of mankind. The right rev. Prelate concluded by moving, that the petition be laid upon the table.

Lord *Brougham* said, that having been so personally alluded to by the right rev. Prelate, he hoped their Lordships would excuse his rising to state that he had no intention whatever of making a motion so ill judged as, in his apprehension, would be any motion which should have the effect of calling for evidence on this subject. It was fair to these persons to say, that he never saw one of them, except Mr. Owen, before to-day, when one of them had waited upon him to put into his hands the petition which he had just presented. As for Mr. Owen, he had known him long, and had often held communications with him, as he believed he might say most Members of Parliament could say, for he believed that there was no one more known among Members of Parliament, or who was more known to Ministers of State, or, he might say, to various heads of the church, than was Mr. Owen. Having known him so long, he had thought it his bounden duty to present his petition to-night, stating what was the fact as to his not holding those opinions which were imputed to him, and stating other particulars respecting his manner of life, which he denied, and which all who knew him denied. With respect to those opinions, he knew what Mr. Wilberforce thought of Mr. Owen. Mr. Wilberforce knew him well, and when Mr. Canning, on occasion of presenting a petition from certain Socialists, which he had only done after having assured them of his dissent from their doctrines, went into a lengthened and deliberate discussion of the subject in the other House of Parliament, Mr. Wilberforce bore his valuable testimony to the high respectability, though he did not agree any more than Mr. Canning with the doctrines, of Mr. Owen. Mr. Wilberforce having expressed that opinion, it was hardly necessary for him to express his dissent from the opinions, religious and moral, of those persons, if they bore the slightest resemblance to what had been stated by the right rev. Prelate to-night. But though he had heard much, and read much, concerning these opinions, and though he had heard them fully stated by Mr. Canning in his usual luminous and felicitous manner, he had never heard till that night one word either of the moral or religious part of those opinions, if opinions they could be called, which were attributed to these persons by the right rev. Prelate. But the fact was, that Mr. Owen himself and all the Socialists were very willing, and, indeed, expressed the greatest anxiety, to have a full and thorough investigation of all the charges which had been brought against them. For his part, he would say, that after all his intercourse with persons of this denomination, they had never attempted to instill into his mind any such opinions as their Lordships had heard to-night; possibly it might be from the knowledge that he was inveterately attached to the contrary opinions, but they had never attempted to convince him that religion was an evil, or that marriage was a curse, or that the institution of property was an abuse. If, however, any man could hold that such doctrines as the right rev. Prelate had mentioned were likely to meet with success in this country, he (Lord Brougham) should consider such an expectation most chimerical. He might overrate the character of his countrymen for wisdom and practical good sense, but he had no apprehension that such opinions had any chance of making progress here, provided—provided, he said, that they were left to themselves. But he considered, that if any attempt were made to put them down by force, a different result might possibly follow. He might have overrated the force of truth, he might have overrated the feebleness of error, he might have overrated the character for good sense of his fellow-citizens, but from all his own experience, and from all the experience of all ages and all countries, he was convinced that he did not overrate the power of persecution to inculcate doctrines, of which nothing else could overcome the intrinsic rottenness, and which nothing else could be successful in inculcating.

The Marquess of *Normanby*, before he proceeded to address a few words to their Lordships on the attack which the right rev. Prelate had made on her Majesty's Government in general, and especially upon the administration of that department over which he had the honour to preside, must declare that he, for one, had listened to many of the quotations which the right rev. Prelate had made with unmixed disgust. If the opinions of those, whose opinions the right rev. Prelate had undertaken to state, were correctly represented, then he begged to say that he considered such opinions and such doctrines to be most objectionable, and if he could believe so ill of his countrymen as to think such doctrines had any chance of success among them, he should say that they must be destructive, not only of the individual happiness of those who imbibed their poison, but, in the end, of the best interests of the country at large. The right rev. Prelate had commented upon an answer which the right rev. Prelate supposed him to have given on a former occasion, but the right rev. Prelate had not quite correctly, though he was sure the incorrectness was unintentional, represented that answer. He had stated that no proceedings against the Socialists had been taken by her Majesty's Government, but that, as to any illegal acts that might be committed by those persons, Government would not shrink from their duty whenever they were brought before them. He could not be supposed, in stating that, to put forward any opinion that the Socialists had been guilty of no illegal acts, but he merely stated that none such had come to the knowledge of the Government. To the right rev. Prelate's address he had listened with great attention, abounding as that address did in sarcasm, and rising sometimes into the highest flights of solemnity, and sometimes descending to the weakest and smallest of puns; but, whatever impression that address might make on their Lordships, they would, he trusted, feel that the Government were right in leaving to the good sense of the country the correction of those errors. He, for one, deeply lamented that the right rev. Prelate had thought proper, as he had done, no doubt with the best intentions, to bring forward this subject; for, whatever were the intentions of the right rev. Prelate, he did not think that the effect of this discussion could be any other than to promulgate more widely and more notoriously the opinions and doctrines which were thus attributed to the Socialists. With respect to the Socialist newspaper which the right rev. Prelate had introduced to the notice of their Lordships, he must plead guilty to never having read it. This was the first time he had ever heard of the *New Moral World;* but did not their Lordships think that the circulation of that print would be more materially promoted, and that many more persons would read it than before, in consequence of the notice that it had received to night? As to the opinions themselves, as represented by the right rev. Prelate, if the right rev. Prelate had been correctly informed, he held them to be perfectly harmless from their absurdity, he held them to be such, as it was impossible that the well informed people of England would ever be found to tolerate. In the endeavours of the right rev. Prelate to fix the whole blame due to the existence of this system upon him alone, the right rev. Prelate had let a most material fact escape him—namely, that this system of Socialism had been in existence long before he came into the Home Department, and, in fact, for years. This, indeed, the right rev. Prelate had himself in part shewn by reading from a newspaper, published a year ago, certain statements respecting the popularity of the system. Why did the right rev. Prelate attempt therefore to accumulate the whole blame of the existence of this system upon him. The right rev. Prelate had also seemed to insinuate, that there was something in his conduct in the government of Ireland which seemed to give promise that he would probably be more inclined than most persons to favour the principles of this society, but he begged to tell the right rev. Prelate, that if he drew any such conclusion, he did so directly in the teeth of the evidence adduced before their Lordships' committee last Session, and in contradiction to the universal acknowledgment of their Lordships on that occasion. With respect to Mr. Owen, he had no acquaintance with that person, he only remembered what he had heard long ago, that he had a character for very great, perhaps excessive benevolence, but as to the doctrines which the right rev. Prelate attributed to Mr. Owen, he had no means of knowledge, whether they were acknowledged by Mr. Owen or not. At all events, the Social system, in some form or other, had for many years been more or less in operation. It was well known to their Lordships, that Mr. Owen had attempted long ago to establish such a society in America, but never, by all accounts, was there so signal a failure. In short, he considered, that there never was a more chimerical system, and he thought it was impossible, such was his firm faith in the good sense and strong religious feelings of his fellow-countrymen, that any such system could spread among them by any other means than those glanced at by his noble and learned Friend. He believed, that the power of persecution might give currency to these doctrines, while nothing else could. The Socialists, as represented by the right rev. Prelate, held no doctrine which was not directly adverse to some of the best established feelings of human nature. Nothing so absurd as an equality of property could ever become established here, the idea that equality of possession should confer equality of happiness could never prevail in this country, where the strongest feelings implanted in the breasts of all were those of individual affections, and individual ties. This he held therefore to be totally impossible, and the apprehension of the success of doctrines so false was to him perfectly new. The right rev. Prelate asked why the Government did not take some steps in the matter, such as writing circulars to the magistracy, but he was not aware, that it formed any part of his duty, as Secretary of State for the Home Department, to adopt so novel a course.

The Bishop of *Exeter* disclaimed having urged this, but said, that he had no objection to state, that he thought it would be a right course.

The Marquess of *Normanby*: It was not the usual course to send circulars to the magistrates. In cases of difficulty, they were accustomed to apply to the Secretary of State for advice, but no such appeals on the subject of Socialism had been hitherto made to the Home office. For his part, he should conceive, that the first persons whose notice would be drawn to this extraordinary state of things, if it were to any great extent to become prevalent, would be the clergy of the Church of England. They, he should expect, would be able to meet such a moral evil with the most effectual weapons. But if any points of information on the subject had met the eyes of the clergy, all he could say was, they had not come to his knowledge. Since the right rev. Prelate had given notice of his intention to bring forward this subject to-night, he had referred to the only sources of information respecting it which he had time to consult; he had referred to the reports of certain meetings of Socialists which had been held in the metropolis, and he must say, that he believed, that at this moment they were as far as ever from being a numerous body. However pernicious those doctrines might be, there was something consolatory in the reflection that the mischief must have its natural effect, and that, like all such doctrines, they would, if let alone, destroy their own progress. He confessed his own opinion was, that Socialism was on the decline, but as to what the Government might think proper to do, in case the contrary, as the right rev. Prelate stated, turned out to be correct, it was not necessary on that occasion to explain. He would only say, that believing, as he did, that these schemes were wholly visionary, he also believed, that nothing was more likely to give them a substantial form, and practical influence, than persecution. Regretting, therefore, that the right rev. Prelate had thought fit to pursue this course, he had nothing more to add than his assurance to their Lordships, that the attention of Government had been called to the subject, and that he should certainly institute the proper inquiries into the subject, but that he did not anticipate, that it would be thought desirable to adopt such measures as he gathered from the right rev. Prelate's speech, were by him thought necessary to be forthwith adopted.

The Bishop of *London* did not rise to discuss the question whether the noble Marquess had or had not discharged his duty with respect to this body of persons; he would only mention one or two points on which he did not assent to what had been advanced by the noble and learned Lord and by the noble Marquess, in order to prove that it was not the duty of the Government, or for the interests of the country, to take any steps towards the repression of this evil. He thought with the noble and learned Lord, that the divine force of truth would and must ultimately prevail; and it was perfectly true, too, he was convinced, that upon the more intelligent, and the more enlightened, and with the well-educated, these doctrines could not for any length of time maintain any considerable hold; but they were not the classes for whom he had fears, and in defence of whom, lest they should imbibe these errors, every precaution ought to be taken. The Government, as a Christian Government, were called upon, he held, in the exercise of their parental functions, to interpose a shield between these pernicious doctrines and the minds of those who were more than the rest of society liable to the dominion of passion; they ought to do this, and they ought to do something, also, to prevent, if not adoption, yet at least propagation of these doctrines by those who, instead of being, as they ought to be, from their station, the protectors of society, became, by lending their aid to the advancement of such errors, its destroyers. For his part, far from depreciating the magnitude of this evil, he deemed the whole subject so important as to deserve the immediate attention of her Majesty's Government. He was very much inclined to think that when the noble Marquess said these opinions and doctrines were too absurd to succeed, he laid a flattering unction to his soul in a way which would not be found to be justified. With those classes of society to which these doctrines were especially directed, the question was not whether they were absurd or no; but, provided the doctrines held out a prospect of gratification to those passions and appetites, which all the motives and restraints of religion were required to keep in order, and which nothing else but religion could control, he very much feared it was too probable that the doctrines would be swallowed and acted upon, however flagrant might be their absurdity. Some fewyears ago (he could not speak with accuracy as to the precise period) when the first place of meeting for the propagation of Social doctrines was opened in London, having made himself master of the facts, he thought it his duty to call the attention of Government to it by a private communication to the Home office. That communication was referred to the Attorney-general, and the result was, that the Government did not think that at that time they could interfere with success. There was then only one meeting of the kind in London; at present, however, he believed he was not outstripping the truth in stating that there were twelve or thirteen meetings of persons of this persuasion, who selected, of all others, the Lord's-day for the propagation of their poisonous doctrines. This did not look like the decline of Socialism, which the noble Marquess believed in. He feared that Socialism was steadily progressing. The publication of a newspaper showed that the resources of the body were not insignificant, at least that they were not on the decline. A case had been mentioned by the right rev. Prelate where a farm had been taken for the purpose of carrying into practice these doctrines; but it was not only in one county that a great amount of property was thus shown to be at the disposal of the body, but in two or three counties the same was the case. He was aware of one instance in the island of Ely, where a farm had been taken, and buildings were in the course of erection for the accommodation of a Socialist community. Funds had been furnished by persons who were not moving in the lowest ranks of society; the possession of those funds showed, as it had been alleged, that this society was abetted and supported by many, he was going to say, respectable persons; but he asked, was any man in truth respectable who devoted his means to the purpose of poisoning the principles and morals of his fellow-creatures? Such a man might observe the forms of decorum, and control his passions for the purpose of obtaining a greater degree of influence in society; but there was no security for the respectability of any one who thus did his best to set at nought all the ties of morality, and all the rules of order. The fact of such contributions having been made by persons of wealth was unquestionable, he believed; and if so, he asked, were these symptoms of a declining society? Unless the Government interposed in some way or other—what should be the particular mode it was not his duty to point out—in the exercise of its parental functions—for he never should cease to hold, that every Christian Government was bound to exercise the functions of a parent towards its subjects—to save the lower orders from the progress of these mischievous doctrines, he feared that much evil must ensue. It was a laudable mode, it was the most salutary mode, of exercising the parental functions of Government, to diffuse more widely the principles of morality and order through the Established Church; to that they must look ultimately for the cure, under the blessing of God, of this and other evils which were now pressing upon the nation; but in the mean time, something, he was of opinion, ought to be done, and effectual steps taken, which some men might, indeed, brand with the name of persecution, but which, if guided by a sincere desire of correcting a great evil, would, under the blessing of God, on which alone the prosperity of the country depended, command the obedience, and deserve the gratitude of the nation at large. He had not spoken with the purpose of reflecting on the conduct of Government, or of any member of it; he only said, let them honestly pursue that course which might seem best adapted to put down this evil, negligent of what might be said of them by those who brand as persecution every measure necessary for stopping the progress of opinions which, if actually disseminated, must sap the very foundations of society, and which, therefore, ought assuredly to be coerced. Before he sat down, he must not omit to mention a circumstance which had lately come to his knowledge. To the erection of a Socialist meeting-house in Coventry, two sums of money had been subscribed by the Members of Parliament for that city.

The Bishop of *Exeter* said, that having heard this stated, he had written to those Gentlemen, apprising them that he should probably allude to the circumstance in the course of this discussion. One of those Gentlemen, the right hon. Member for the city, had gone out of town, but from the other hon. Member he learned that the statement was not correct.

The Bishop of *London* resumed by saying, that he was glad that it was not true. He had been misled then by a statement in the last weekly publication of the Socialists, to the effect that 20*l.* had been subscribed for the purpose he had mentioned by the Members for the city. He must say, that when he read it he hardly thought it could be so.

Viscount *Melbourne* said, the personal observations which had been indulged in by the right rev. Prelate, rendered it necessary that he should address a few words to their lordships, particularly as circumstances which were not generally made the subjects of discussion in Parliament had been introduced into the debate, and it had been pointedly noticed that he was the individual who performed the formal office of presenting Mr. Owen at Court, at a levee, which he attended for the purpose of presenting to her Majesty a petition, which was signed by a large number of his fellow-countrymen. Now, he protested against the conclusion being drawn by their lordships which had, as it appeared, been drawn out of doors, that he was in any respect responsible for any opinions which might be held by those whom at any time he might formally present at a levee; he wished to disclaim all responsibility, not only for the opinions of Mr. Owen, whatever they were, but for the opinions of any other person for whom he might be called upon to perform the office of presenting him at Court. He could not admit that he, by such presentation, was indentified with the opinions of that person. In presenting Mr. Owen as he had done, he had only performed a formal office. But while he said this, he begged to add, that in his opinion there was no reason why Mr. Owen should not attend a court for the purpose of discharging a constitutional duty. Mr. Owen had waited on him in the summer, for the purpose of pressing on him the propriety of the enforcement of some great scheme for the universal redress of grievances, and the regeneration of society. He mentioned that he had an address which he wished to present to Her Majesty, and he asked him how he was to present it. He told him that he must go to a levee and present it there. Upon that Mr. Owen had asked him to present him. He in reply said, somewhat imprudently perhaps that he would. He did not see anything in the character of Mr. Owen or in his situation which was to preclude him from that right which he enjoyed in common with every other of her Majesty's subjects. The right rev. Prelate had stated a very strong charge against the Government—namely, that they were not for the repression and suppression of these opinions, which, according to the right rev. Prelate's statement, were so unfortunately prevalent in the country. Those opinions he regarded as in the highest degree pernicious. He did not think them without danger because they were wild or absurd. The right rev. Prelate had stated, that in the end truth would prevail, and that that which was false could not last long, and he remembered that the noble Duke opposite had last session expressed a sentiment of great regard for the power of truth, and declared that he thought that truth must ever ultimately vindicate itself by its own power. This was a noble and generous and magnanimous sentiment, proceeding as it did from the noble Duke, particularly at his period of life, experienced in business as he was, and conversant as he had been with men of all ranks and all the nations of mankind. But he must own that he felt somewhat differently; he was less generous, less magnanimous perhaps, but living, as he did, in an atmosphere of calumny and misrepresentation, he felt the great power that was given to falsehood; he knew that falsehood was often permitted to be very strong for a considerable time, particularly when assisted by the active endeavours of those who were accustomed to abet its cause, and who could only live in an atmosphere of calumny and malignity. Still, in the apprehensions which the right rev. Prelate had expressed, and in which he was no doubt sincere, he did not altogether concur. That societies were formed for the propagation of these opinions did not, in his opinion, afford cause for peculiar apprehension in this case; for how many societies had they seen formed in this country, not for the propagation of those opinions which the right rev. Prelate decribed only, not for the advancement of the opinions of Mr. Owen only, but of every species of opinions, whether moral, religious, or political — opinions of the wildest kind, which had not always the safety of those of Mr. Owen, arising from the extremity of absurdity which invested them. The right rev. Prelate had said that this society was an illegal one because it was formed in violation of the act of Parliament which prohibited branch societies and affiliations. But if this society was in reality so organized as to be within the act, let it be remembered how many other societies there were, instituted for the best and most pious purposes, which were in the same case. How was it possible, then, to carry that act into effect? Indeed, he believed it never had been carried into effect. If it had any effect at all, he thought it operated solely by means of terror. Numerous societies had branches, which were formed for purposes of the most laudable and pious kind, and therefore he must doubt whether the statute, if it could be called into operation, would be found at all effectual for the purpose to which the right rev. Prelate desired it to be applied. But then the right rev. Prelate said, that the object of the Socialists and Mr. Owen was to alter the whole framework of society and the whole framework of property, and therefore that their society was an illegal one. Possibly this was illegal. But it was not an illegality that could be made practical at the present day. What he would like to know that was established, that was sacred, was there, for the express purpose of destroying which there was not a society formed? Had they not, for instance, a society, with many respectable names attached to it, for doing away with all church establishments? But he did not know that the pursuing that object made that society illegal. Yet, if a society for altering the whole of our polity were, as the right rev. Prelate assumed, illegal, so also must be one for altering any part of that polity. If a prosecution were to be instituted against every society which advocated any great political, moral, or religious change, he very much doubted whether such a prosecution would be effective. At the same time he should be most reluctant to say any thing to encourage these wild opinions: there was nothing he dreaded so much as the spread of them. Other persons might have had communications for many years with those who held these schemes; they might have listened to them; but, for himself, he must say that he always thought them to be the very wildest nonsense. He did not like the doctrine better because it came in the guise of a refined philanthropy and concern for the general interests of mankind. It did not appear to him less dangerous on that account; because it had often been found that those who professed the greatest and tenderest regard and compassion for mankind, became, in the course of events, the most ruthless and bloody. He did not rely either to any great extent on the absurdity of the doctrine as a means of safety. It was one of the observations made during the progress of the French revolution, that it was always that which was most absurd which led to that which was most sanguinary. He should, consequently, be very sorry to have one word to say which could palliate or excuse these doctrines, of which he deeply lamented the existence; but the question was, what was the prudent mode of dealing with them? For many years it had been the practice, not of this Government or of that which preceded it alone, but of many Governments before them, to abstain altogether from prosecutions on these subjects. Things of this kind had been allowed to go on unchecked and uncontrolled. This course was acted upon by a noble and learned Lord, not then in his place, both when he was Attorney-general, and when he was Solicitor-general. Prosecutions had been found to fail in their object, and therefore they were dropped. It was thought very doubtful whether they did not increase that which they were meant to repress; therefore societies of various kinds were in those days left unrestrained and uncontrolled. But for his part he must say he thought that a great and doubtful experiment; he thought it very doubtful whether that was the best course; he thought it very doubtful whether the public mind could long bear the perversion of truth which was made by those who never stated anything but with an object of their own, and who were versed in the arts of calumny. He agreed sincerely with the right rev. Prelate (the Bishop of London), that the subject was one which demanded the very serious attention of the Government, which demanded that they should carefully watch it, and consider whether means might not be found for arresting the progress of the poison which was said to be making its way in the country, but which, he trusted, had not gone far as yet. In fact, he thought these wild schemes naturally spawned by the state of society in which we lived—by the distress in which great numbers lived at present—by the operation on the minds of those persons of the consideration that they might be better off than they are, and by their constant straining after a perfection which was unnatural, which we were nowhere told to expect, and which we had no authority for thinking to be possible, but which these persons urged on the pursuit after, with all that turbulent zeal and extremity of conduct which belonged to the present times.

Lord *Wharncliffe* expressed his surprise that the Prime Minister should have been so ready to present such a person as Mr. Owen to her Majesty. The noble Lord read an extract from a letter which had been received in town from Sheffield, written by a Socialist, and who, speaking of Mr. Owen, said—"More recently he has been presented to the Queen; and this was a free-will offering on the part of Lord Melbourne, as Mr. Owen did not solicit it."

The Duke of *Wellington* felt bound to return his thanks to the right rev. Prelate for having drawn the attention of the House with so much ability, to the system which had formed the subject of their consideration on that evening. That system, he feared, prevailed to a much greater extent than noble Lords at all supposed, and certainly to a much greater extent than he had himself imagined before he heard the speech of the right rev. Prelate. He had expected to hear that in some parts of the country the society prevailed to a serious degree, but he was not prepared to learn that in the rural districts its progress had proved so alarming. He at length rejoiced to find that the motion of the right rev. Prelate had drawn from all parts of the House a declaration expressive of the disapprobation with which their Lordships regarded the doctrines and opinions which Mr. Owen and his disciples laboured to propagate. He quite agreed with the noble Viscount opposite, that it was an extremely difficult matter to determine what course it would be most expedient to take under the circumstances to which this system gave rise. It was no easy matter to say how it should be met—how it should be dealt with. He thought the thanks of the country were due to the right rev. Prelate for having proved, so clearly, that the societies called into existence by Mr. Owen were illegal associations. At the same time he doubted whether it would be possible or expedient for her Majesty's Government to prosecute the members of those associations under the acts of Parliament to which the right rev. Prelate had adverted; but some measure, short of directly proceeding against such a system, might be adopted. Without actually resorting to prosecutions, the Queen's Government might mark its sense of the atrocious objects which those associations pursued. Facts had that night been stated which showed, beyond a shadow of doubt, that some measures in reference to Mr. Owen's associations, some notice of them ought to be taken by the executive authority of this country, and mainly on account of the errors into which it was obvious the magistrates had fallen. It appeared that in a large manufacturing town they had committed themselves by a course of conduct in which the opponents of Socialism had not had fair play. Those disposed to uphold the institutions of the country by argument and reasoning, were denied opportunities of meeting the members of these illegal associations. Magistrates had granted the Guildhall of a large manufacturing town for the meeting of one party, and refused it to the other; they refused a similar permission to persons employed by the clergy and members of the Established Church to defend its doctrines and principles. The right rev. Prelate had also stated very serious cases in which attempts were made to decoy persons from attending divine service, and induce them to visit dances and other entertainments of that nature; but if attention had been drawn by the Secretary of State to the subjects, it would have warned magistrates of the illegal and atrocious character of such associations. That course would have been legal and constitutional, and not an unusual practice for Government to pursue. It would, he thought, now be desirable that some such measure should be taken. With these observations, he felt that he should now content himself. He did not desire to carry the discussion further, the more especially as the noble Viscount had acknowledged that he had committed an indiscretion which might as well have been avoided. That House might not, perhaps, be the proper place for discussing matters of court etiquette, but he believed the rule was, that no gentleman should present another unless acquainted with him. Now, it appeared that the noble Viscount was not only not acquainted with Mr. Owen's doctrines, but did not know his person.

Viscount *Melbourne.* Oh yes; I was acquainted with his person.

The Duke of *Wellington* was not aware that the noble Viscount had ever seen Mr. Owen. This misfortune, however, having occurred during the existence of these societies, it became still more desirable that Government should, in some form or other, indicate its disapprobation of the objects which they proposed to themselves, and the means by which they sought to accomplish those objects.

The Earl of *Galloway* observed, that the noble Viscount opposite had admitted that he knew Mr. Owen, and that that individual had entered into a detail of his doctrines and designs; he must, therefore, know the objects which Mr. Owen had in view, and could not be considered excusable in allowing Mr. Owen to use his name.

Subject at an end.

HOUSE OF COMMONS,

Friday January 24, 1840.

MINUTES.] Bills. Read a first time:—Administration of Justice (Ireland); Ejectment and Replevin (Ireland).

Petitions presented. By Mr. Baines, from Colchester, in favour of John Thorogood; and for the Abolition of Church Rates; from Liverpool, and by Mr. Villiers, from Settle, for the Total Repeal of the Corn-laws.—By Viscount Eastnor, from Leamington Priors, for Church Extension.—By Captain Alsager, from South Lambeth, for Security to the Protestant Faith.—By Mr. Kemble, from Peckham, to the same effect.—By Mr Litton, from Coleraine, against compelling Protestant Soldiers abroad to attend Catholic Worship.—By Mr. Cresswell, from Liverpool, for the Total Repeal of the Corn-laws.

RAILWAYS.] Sir *Robert Peel* did not know to what member of her Majesty's Government he should address his question, not knowing what officer was connected with railways, or that branch of the public service. He wished to know whether there existed at present a commission of engineers for the purpose of reporting upon contested lines of railway in England; and if there were, what were the lines referred to that commission for its decision?

Mr. *Labouchere* was not aware that he could answer the right hon. Gentleman's question with perfect accuracy. He believed the matter stood thus:—There were two addresses in the course of the last session of Parliament—one for an inquiry into two lines of railway, which were in contemplation in the north of England, with a view to ascertain their respective merits—he meant the line leading from London towards Edinburgh and Glasgow—the other address referred to the lines contemplated towards Ireland. In consequence of these addresses to the Crown, in the course of last session, engineers were appointed to investigate those lines which had been surveyed, and he knew that the engineers were at present prosecuting the inquiry; and, he would add, with all convenient speed the result of those inquiries would be made public. When that commission was appointed, he believed express care was taken to guard against its being supposed that it was a general commission of engineers to inquire into all competing lines, or to inquire generally into the subject of railways. On the contrary, it was stated that the commission would merely apply to the lines already surveyed, and which might be supposed to have reference to the great lines of communication with the North, and with England.

Sir *R. Peel* presumed that it was not intended to take these lines out of the hands of private companies for the purpose of having them executed by the Government.

Mr. *Labouchere* said, decidedly not. The Government, viewing the importance of the subject, had considered itself authorised to interfere merely to see that the best lines were selected.

Subject dropped.

REFORM ACT (SCOTLAND).] The *Lord Advocate* moved for leave to bring in a Bill to ascertain and define the rights of voting for Members of Parliament in Scotland. He was aware that this was a subject of great importance, but it had been investigated by a committee of the House; and the Bill which he proposed to introduce was in a great measure founded on the recommendations of that committee. He trusted that it was not necessary to enter into any details, but that leave would be given to bring in the Bill that the provisions might be before the House.

Lord *Stanley* said, that as the learned Lord moved the introduction of the measure, with the advice, no doubt, of her Majesty's Government, he would not object to the introduction that the provisions might be seen by the House and the country; but, at the same time, he could not allow the introduction of the Bill without entering his protest against any distinction being introduced between freeholders as a class in England and Scotland, and against introducing into Scotland any provisions incompatible with the Reform Act for the three countries, and against attempting to impose on freehold property, before it gave the right of voting, the necessary qualification of residence. The principle now proposed was not in the English Bill; it went far beyond the necessity of the case, and beyond the recommendation of the committee, the labours of which the learned Lord had used. For his own part he never would consent to make any distinction between the law of England and of Scotland.

Lord *John Russell* said, that having considered this point, it appeared to him that the old law in England need not be touched, unless the right of voting of freeholders had been attended with any evil, and when they were introducing a real representation into Scotland, where there had been none before, they might take the English law. At the same time, he thought that those who had the real right ought to vote. If he had found that gross abuses had been introduced into England—if he had found that the electors of York and of Middlesex were not *bona fide* freeholders—he would have thought that some restriction ought to have been introduced. That position it was for his noble Friend to make out; the Bill must not be supported because votes were given to persons who were not resident, but that the right had been abused.

Mr. *Goulburn* said, that if this Bill passed, no person could vote unless he had a house on the spot.

Mr. *Ewart* said, that to his own knowledge, many persons became freeholders who were not real residents; he knew that such things had occurred in the small counties of Wales. Now residence was required by the old law, and it should be their serious consideration, when deciding upon the law of voting, to attend to this old law. He thought, therefore, that the learned Lord was fully justified in the principle of this Bill.

Sir *George Clerk* hoped that the noble Lord had heard the speech of the hon. Member, showing that the same things existed in Wales. If abuses existed they ought to be remedied, but by this Bill it was contrived to disfranchise the *bona fide* freeholders.

Mr. *Gillon* said, that as the hon. Gentleman admitted that if abuses existed, they ought to be remedied, if there were no means of correcting those abuses and of preventing the swamping of the *bona fide* electors, but by enforcing residence, he hoped that he should have the support of the hon. Gentleman. Certain he was, that in order to arrive at a pure representation of the people, it would be necessary to adopt the principle that each individual should have one vote and no more.

Leave given.

PRIVILEGE — STOCKDALE v. HANSARD.] The *Speaker:* I have to acquaint the House, that the Sergeant-at-Arms has a communication of the highest importance to make to this House.

Sir William Gosset, Sergeant-at-Arms, appeared at the bar, and said, that last evening, about six o'clock, he had been served with a writ of habeas corpus from the Court of Queen's Bench, commanding him to bring up the bodies of William Evans, Esq., and John Wheelton, Esq., then in his custody. As he had acted by the warrant of the Speaker under the authority of that House, he conceived it his duty to lay this information before the House, with a view to receive their further directions.

Sir William Gosset handed in the writ, which was read by the clerk.

Mr. *Law* inquired what indorsement was on the instrument.

The clerk read "William Burchell, solicitor.—Robinson, clerk in court."

The *Attorney-General* then rose and said, that the House would perceive that their Sergeant-at-Arms had acted in strict conformity with his duty. He had taken the earliest opportunity of informing the House, that he had been served with the writ of habeas corpus, and the question for the House to determine was, what steps should be taken under circumstances of such great importance. It was a crisis of great moment; they were struggling for the existence of their privileges, and any false step might involve them in inextricable difficulty. It might very possibly be contended, that though this writ had been served upon their Sergeant-at-Arms, it ought not to be obeyed. He would not then enter into any nice question of law in regard to the power of either House of Parliament to order its officer to disregard a writ of habeas corpus. He had no hesitation in advising the House to direct the Sergeant-at-Arms to return to the Court of Queen's Bench, that he held these two individuals in custody by the warrant of the Speaker. That was the safe, the dignified, and the constitutional course. Let it not be supposed that thereby they submitted their privileges to the judgment of a court of law. The Court could do nothing but simply remand the prisoners into the custody of the Sergeant-at-Arms. But if there should be a departure from all established precedent and usage, and the Court should question the commitment, such an usurpation on the part of the Court, would give the House a decided advantage in the struggle, should it be continued. It had been determined by a long series of authorities, that this House had the power to commit for contempt, and that when it did so commit, no court of law whatever, had the power to inquire into the cause of the committal. In some instances the cause had been set out on the face of the warrant, and in those cases the Court had decided that they could not judge whether such cause was sufficient or insufficient. In other instances, the cause had not been set out, and then the judges had decided that the omission was immaterial, as they could not have reviewed the cause, had it been set out ever so distinctly. He would, for the information of the House, mention one or two cases in which that doctrine had been held. There was Lord Shaftesbury's case, in which the cause of commitment was not mentioned on the warrant more than in general terms, that the prisoner had been committed for a high contempt of the House. Upon Lord Shaftesbury's moving for a habeas corpus, and the objection being made that the warrant was insufficient, inasmuch as it did not state the cause of commitment, what was the language of the Lord Chief Justice? It was to the effect, " that the Court had no jurisdiction in the case, and that they ought not to attempt to extend their jurisdiction beyond its proper limits, and the actions of their predecessors would not warrant them in such a course." Therefore, although the commitment of Lord Shaftesbury by the House of Lords was general, and merely for contempt, the Court held unanimously that they had no jurisdiction at all to inquire, and they remanded the prisoner. He would mention also a case which occurred in 1751. That was a commitment by the House of Commons under a similar warrant; he meant the case of Alexander Murray, who was committed for contempt, the contempt not being specified in the warrant. He was brought before the judges of the Court of King's Bench, and Wright, Justice, said,

> "It appeared, by the return to the writ of habeas corpus, that Murray had been committed to Newgate, under a warrant charging him with a high and dangerous contempt of the privileges of the House of Commons, and it was insisted at the bar that that was a bailable case, within the meaning of the Habeas Corpus Act. The answer to that was, that it had never been maintained that the act gave power to the judges to decide upon the privileges of the House of Commons, and it had been agreed upon all hands that they had power to judge of their own privileges. It need not appear to them what the contempt was for which he had been committed; for it did appear, they could not judge thereof. Lord Shaftesbury had been committed for a contempt of the House of Lords, and, being brought before the King's Bench on a writ of habeas corpus, the court must remand him, because in no case that had been cited had the court interfered. The House of Commons was superior to that court in that particular, and they could not, therefore, enter into that question."

Justice Denison said,

> "The Court, as any other Court, had granted the writ of habeas corpus, not knowing what the commitment was; but now it appeared that it was for a contempt of their privileges. What these privileges were, the Court did not know, nor need they tell what the contempt was, for the Court could not judge of it. That Court must be considered inferior to the House of Commons, with respect of judging of contempt against it. The case was a clear one, and required no sort of consideration."

Judge Foster, who it was well known was considered as one of the most constitutional judges that ever sat upon the bench, agreed in that decision, upon the ground

> "That the law of Parliament was part of the law of the land."

He would further remind the House that when Sir F. Burdett's case went to the House of Lords, Lord Eldon proposed the following question for the opinion of the judges:—

> "Whether, if the Court of Common Pleas adjudged an act to be a contempt of court, and committed the offender by a warrant, stating generally, without those circumstances that led to a commitment—whether in that cause the Court of Queen's Bench would discharge the prisoner, because the particular facts out of which the contempt arose, were not set forth in the warrant."

That in substance would be, whether such a warrant as had been signed in the case of Messrs. Evans and Wheelton, were signed by the authority of the Court of Common Pleas—whether that would be good. The question being handed over to the judges, and they having consulted for a few minutes, Chief Baron Richards delivered the unanimous opinion of the judges, that in such a case the Court of Queen's Bench could not interfere. They therefore, had the unanimous judgment of the whole of the judges of England, that on a commitment by a court of law, where the warrant did not specify the cause, is a good commitment, and no other court could inquire whether that commitment was proper or improper. A power belonging to a court of law would hardly be denied to the Houses of Parliament. Under those circumstances, he (the Attorney-general) thought that they might with confidence direct their Sergeant-at-Arms to make a return of the warrant under which Messrs. Evans and Wheelton had been committed. He (the Attorney-general) apprehended that on the warrant being read, the Court of Queen's Bench could do nothing else than say that the prisoners must return to the custody whence they came. If they decided differently, it would be a flagrant violation of law, and the House would consider what powers the constitution had given them for the vindication of their own privileges, against the judgment of the Court of Queen's Bench. He would conclude by moving,

> "That the Sergeant-at-Arms should be directed to make a return to the said writ, that he holds the bodies of the said William Evans and John Wheelton, Esqrs., by virtue of a warrant under the hand and seal of the Speaker, issued by the authority of the House of Commons, for contempt of a breach of the privileges of that House."

Mr. *Godson* did not rise to oppose the motion of the learned Attorney-general, but he felt it his duty to state, that the learned Gentleman had not explained the real question which would come before the Queen's Bench on this return, which would be, whether or not an officer of that court could be interfered with, and be stopped in the discharge of his duties, by any power known to the constitution of this country; and it was yet to be decided, whether the court would not require the parties who had adopted such a course to come before them, and justify so serious an interruption of the course of justice. Let the House for a moment escape from the idea of this being a contest between it and the Queen's Bench, and consider it as a question whether, when one of the subjects of the realm had gained a legal verdict, and was about to receive the fruits of that verdict, the constitution would allow any single body of men to step in between those parties, and do away with the judgment of the court. He would not anticipate the arguments that would be used before the judges, nor would he venture to say that they would not remand the sheriffs; he would give no opinion on that point; but he hoped, that there would be no wish or intention to gain a triumph over the judges. Nothing could be more abhorrent from a well-regulated mind than the attempts which had been made by the Ministerial papers to throw ridicule upon the judges of the realm. He would particularly refer to a paragraph which had appeared in one of the morning journals this very day, describing the judges as "fifteen elderly Gentlemen, living in Bedford-square, and occupied principally in deciding how often thens and theres should be inserted in a special demurrer." If the returns were made as proposed by the Attorney-general, which appeared to be the regular course, he presumed that the sheriffs would accompany the sergeant-at-arms into court. If the opinion of the court was, that they ought to be remanded, let it be so; but if the opinion of the court was, that they ought to be discharged, he trusted that there were men in England who would not refuse to assist the judges in the due administration of justice.

The *Attorney-General* said, that whatever others might have said, he had not meant the slightest disrespect to the Judges in anything he had said. He not only loved them as friends, but venerated them as most conscientious magistrates. He thought in this instance that they were in error, but he had never attributed to them anything like improper motives. As to the questions that might arise, he would say that none could possibly arise, if good cause of detention were shown. The writ of *habeas corpus* required that the person to whom it was directed should state if he held the body of any individual in his custody, and under what authority he so held it, and if the authority were sufficient, the warrant must be considered a valid warrant, and this was a valid warrant, unless the unanimous decision of all the Judges for centuries was wrong.

Mr. *Cresswell* thought that they would be asserting their own privileges, and in the most efficient manner, and at the same time paying a proper respect to the Judges, by not indulging in speculations as to what the decision of the court might be. If the House thought fit to make a return to the writ of *habeas corpus*, it was their duty without speculating as to the consequences to return the truth, and to consider any question that might arise afterwards. The judges would dispose of the case according to what they believed to be the law, and if the House considered their decision to be wrong, then would be the time to question it. He trusted, therefore, that he should hear no more speculation as to what would be done by the judges.

Motion agreed to

SUPPLY—PRINCE ALBERT.] On the motion of Lord John Russell, the House resolved itself into committee, to consider so much of her Majesty's Speech as related to a provision for Prince Albert.

Paragraph of the Speech read.

Lord *John Russell* then rose and said,

that the House, in its Address in answer to the Speech from the Throne, had uttered its heartfelt congratulations to her Majesty on an occasion so deeply interesting to all her faithful subjects as her approaching marriage; and it then went on to assure her Majesty, "We shall cheerfully concur in such measures as may demonstrate our duty and attachment to her Majesty's person and family, and as may be necessary to provide for such an establishment as may appear suitable to the rank of the Prince and the dignity of the Crown." With respect to the subject of her Majesty's marriage, except in so far as it was connected with the pecuniary provision which it might be proper to make for Prince Albert, it would not be necessary for him to make any observations, after the debate which took place on the address, carried as that address was by the unanimous vote of the House. He might, however, observe, in respect to political considerations, that he thought it would have been a subject of considerable embarrassment to this country at a future time, if her Majesty's marriage connected her with any considerable power of Europe, thus entangling the empire with the alliances and the enmities of foreign kingdoms. This was a difficulty felt, though in a minor degree, in the course of the last century, in consequence of the connection of this country with Hanover, though in the Act of Settlement it was expressly provided that this country should not be involved in war without the consent of Parliament, for the defence of the King's electoral dominions. But it was obvious, if the Sovereign of this country found his inheritance invaded, it would be impossible for this country, in the honourable support of its Sovereign, not to become embarrassed in the defence of those territories. He mentioned this, because he thought it had some bearing upon the provision now about to be made, and, indeed, upon the subject generally, Prince Albert being born in a foreign dominion, but, at the same time, coming to this country at an early period of his life, he thought it should be our object to attach him as much as possible to English habits and connections, and induce him to think, that he would always find from this country that affectionate support which he was sure, would always be given to the Throne of these realms. Anything, therefore, that would tend to show—contrary to all former precedents, and contrary, he thought, to the wisdom which had hitherto guided these arrangements—that it was the desire of Parliament that the Prince at any future time should dissolve his connection with this country, would be at once unjust and impolitic. He would now state all the circumstances which appeared to him to bear upon the question of the amount of provision that ought to be made for Prince Albert. The Prince who might be allied to the Queen of this country had not properly any prerogatives, or powers, or legal attributes, such as belonged to the Queen Consort of these realms. At the same time, the position of the Queen Consort was in many respects, the nearest in analogy to the position of the Prince who became the husband of the Queen. With regard to the arrangements that had been made in former times, it was, of course, quite useless to mention the precedent of the marriage of a King of Spain with the Queen of these dominions. Another of the Queens of this country was married a considerable time before her accession to the Throne—he alluded to the Princess Anne of Denmark. Her marriage was contracted a number of years before the Revolution, and many years before her accession to the Throne. On ascending the Throne a provision was made for her after the same plan of arrangement as the household of King William 3rd had been provided for. But any arrangement of what could be called the civil list of that time was so totally different from any that had been made of late years, that it could not fairly be considered as affording a precedent applicable in any way to the present altered state of things. For instance, an attempt was made after the Revolution to separate the general expenses of the country from those which were supposed to belong more peculiarly to the Sovereign; and for that purpose it was proposed that a specific sum should be granted to King William for certain specific purposes, and that another should be granted to defray those general expenses which appeared to belong more properly to the country than to the Sovereign. Under this arrangement the sum allotted to King William 3rd, for the household, the payment of the judges, and other charges attaching to the civil list formed about one third of the expense of the peace establishment of the country. When Queen Anne came to the Throne, the general expense of the peace establishment being then about 2,000,000*l.*, a sum of 700,000*l.* was appropriated to the Queen, out of which 100,000*l.* a-year was devoted by her to the expenses of Prince George. There was at that time no special provision made for Prince George; but, in 1702, the Queen's warrant was passed granting 50,000*l.* a-year to the Prince, one moiety of which was to be paid out of the Excise, the other moiety out of the receipts of the Post-office. This was all that could be quoted, in the way of precedent, with regard to princes who had been the husbands of the reigning Queens in this country. An arrangement was proposed to Parliament in 1816 with regard to Prince Leopold. It was to be remembered, that Prince Leopold married the heiress presumptive to the Throne. There was of course no certainty that the Princess would ever succeed to be the Queen of this country, even if she lived to survive her father. A sum of 60,000*l.* a-year was granted for the Princess Charlotte and Prince Leopold; and 50,000*l.* a-year of that sum was afterwards settled upon Prince Leopold during his life. The other cases which bore, he thought, a very considerable analogy to the present, were the cases of the Queen Consort of this kingdom. Upon this part of the subject, he begged to read that to which he had referred the other night, namely, the report of the select committee of 1831 upon the civil list. [The noble Lord read the report, in which the committee, after pointing out the absence of any data by which they could be governed beyond the mere reference to precedents, concluded by recommending that 110,000*l.* should be allotted to the privy purse of their Majesties King William and Queen Adelaide, of which 60,000*l.* should be for the privy purse of the King, and 50,000*l.* for the privy purse of the Queen.] That recommendation of the Committee was adopted by Parliament without alteration or amendment. When the present Queen came to the Throne, the privy purse was reduced by 50,000*l.*, leaving only to her Majesty a sum of 60,000*l.* a-year. But, in order to institute a fair comparison, it would be necessary to refer for a moment to two changes which had been made in another respect. On the accession of her present Majesty, the arrangement which formerly gave 75,000*l.* a-year for pensions was altered, and a sum of 1,200*l.* to be granted yearly only allowed for that purpose; and, according to the statement of the late Chancellor of the Exchequer, the whole expense of pensions was taken at 35,000*l.* a-year. In the next place, 10,000*l.* a-year for secret service, which previously had been charged in the civil list, was, under the new arrangement made upon her Majesty's accession, transferred to the Consolidated Fund. It was not necessary for him then to enter into a comparison of the relative merits and advantages of these two modes of arrangement; it would be enough to say, that whereas by the former arrangement there had been some excess, under the present management there had been a considerable saving. It appeared, that the civil list of William and Adelaide amounted to 435,000*l.*, and that the civil list of her present Majesty was limited to 385,000*l.*; being the difference of the 50,000*l.* previously allotted to the privy purse of Queen Adelaide. As far, then, as they could judge by precedent of these matters (and he should endeavour presently to show, that there was no other mode of judging of them), it would appear, that 50,000*l.* a-year was the sum that had been allotted to Princes in the situation of Prince Albert and to the Queens Consort of this country. With respect to the sums which had been granted either to the husband of the Queen, or to Queens Consort in all cases of their surviving the Sovereign, the sum allowed was always greater than that which he now proposed. In the cases of Prince George of Denmark and Queen Caroline, the Consort of George 2nd, 100,000*l.* a-year was settled by Parliament upon each, in the event of their surviving the Sovereign. The Princess Dowager of Wales, the mother of George 3rd, had an annuity for life of 50,000*l.* Queen Charlotte, the consort of George 3rd, had a dower of 100,000*l.* a-year settled upon her in case she should survive his Majesty; and in the late reign, a similar dower was voted to Queen Adelaide, in the event of her surviving King William 4th. In the case of Prince Leopold, who, as he (Lord John Russell) had already stated, was not the husband of the Queen, and who might never arrive at the duties, the rank and the station which attached to the husband of the Queen, 50,000*l.* a-year was granted in case he should survive the Princess. With these several precedents before them, the proposition that he wished to make was, that the House should empower her Majesty to grant an annual sum of 50,000*l.* a-year out of the Consolidated Fund to

Prince Albert upon his marriage; to commence from the day of his marriage, and to continue for the whole of his life. By this arrangement it was proposed to embrace the two periods which heretofore had been regarded separately, namely, the period that the Prince might remain the husband of the Queen, and the period that he might survive her. Now with regard to any particular reasons or grounds which led the Government to make this proposition, he did not know that he had any to state, he did not find any direct authority for what they were doing; neither did he feel himself competent to put the House in possession of any detailed information on the subject. He found that the select committee of 1831 stated, in several parts of their report, that with regard to the expenses necessary for the dignity and support of the Sovereign in the present times, it was impossible for them to form an opinion. They stated further, that they had taken the opinion of the former Chancellor of the Exchequer, the right hon. Gentleman, the Member for the University of Cambridge, and the then Chancellor of the Exchequer, Lord Althorp, upon the subject. He (Lord John Russell) had looked through the statements contained in the very eloquent and celebrated speech of Mr. Burke with respect to the civil list; but he did not find anything in it that could affect the present question. He could only say generally, that an establishment of some sort must be maintained by Prince Albert, and that it will be impossible for him, with the rank and dignity which he will hold as the Queen's husband, not to have about him persons above the ordinary rank, who would be ready to be in attendance at the royal palace in the usual manner in which Lords in waiting were in attendance upon the Sovereign. Without saying that anything definitive had been fixed, he might observe, that it was proposed to form the establishment of Prince Albert upon the model of the establishment of the Prince of Wales, during the time that the Prince of Wales had a separate allowance. He would have a groom of the stole, with 1,200*l.* a-year; grooms in waiting, an equerry, and other officers of the same class, whose salaries would amount to about 7,000*l.* or 8,000*l.* a-year. This was necessary, in order that the husband of the Queen might have in attendance upon him persons of superior rank and station. With regard to other expenses he did not know, that he could do more than refer to the precedents he had quoted. At a time when everything was much less costly, when an income of 10,000*l.* a-year would go as far perhaps as 20,000*l.* now, at that time it was thought, that the husband of the Queen—the husband of Queen Anne—should have 50,000*l.* a year; and at all subsequent times the Queen Consort of the Sovereign had never received less than the like sum of 50,000*l.* a year. The proposition, therefore, that Prince Albert should receive 50,000*l.* a year appeared to him to be a reasonable one. The only ground, indeed, upon which he was told that the civil list upon this score ought to be reduced, was a ground which he really did not think applied to the present case. The proposition of the Government was this—that whereas the civil list of her present Majesty had been reduced by 50,000*l.*, as compared with the civil list of his late Majesty, it should now again be increased to the same amount as was voted for William 4th, namely, 435,000*l.* In other words, that the 50,000*l.* formerly voted for the privy purse of Queen Adelaide should now be voted for the privy purse of Prince Albert. The only objection that he had heard to that proposition—and which he could not think applied in any way to the case—was founded, not upon what was proper or necessary to maintain the dignity of the Crown, not upon what was necessary to maintain the rank of the monarch and the household of the Prince, but upon the present unfortunate state of distress in some of the districts of the country. Nobody could lament more than he did, or more than the Government did, that such a state of distress should exist; but he owned he did not think it a ground upon which the House of Commons ought to found a vote for the permanent establishment of Prince Albert. If such a ground were once admitted, he did not know how the House could refuse to entertain the argument *per contra*. If the House were to make a limited grant of 21,000*l.* as was proposed by the hon. Member for Kilkenny (Mr. Hume), on account of the distress which prevailed in the country this year, he did not know how, in a future year of great and general prosperity, it would be possible for the House to refuse an application for a larger grant, which should be as lavish as the hon. Member for Kilkenny would now have it mean. He did not think that was the proper manner in which they ought to make a provision for one who was about to be so nearly allied to the Sovereign of this country. If, indeed, the nation was permanently declining, and they in future should be unable to provide for an establishment suitable to the dignity of the Crown and becoming the greatness of the nation, that might be a reason for decreasing the amount of the vote then before them. But he could not take that view of the state of the nation, but believed, on the contrary, that the country in all its great resources was unimpaired; and the distress that prevailed, though heavy, was not to be looked upon as a sign of permanent declension and decay. They ought not, therefore, to take that as a permanent ground for determining what they conceived to be a proper establishment for the consort of the reigning Sovereign. The only question, therefore, which they had now to consider was, whether 50,000*l.* was a proper sum, or whether it was excessive: and, also, whether there should be any condition annexed to its enjoyment, in the event of Prince Albert surviving her Majesty, or whether it should remain the same during the life of that Prince. He had already stated his reasons why he did not think it advisable to make any such condition. There was but one case in which it had been proposed to annex a condition to a grant to a person allied to the Royal family, and that proposal was at once rejected by the House of Commons. He thought it far better not to refuse their confidence in one who was about to become a Member of the Royal Family, and who was much more likely to become attached to this country, as his place of abode, if confidence were evinced towards him. By such conduct, too, the House would at the same time be endeavouring more satisfactorily to congratulate her Majesty on her approaching union by showing respect to the object on whom she had fixed her affections. He had only now to move "That her Majesty be enabled to grant an annual sum not exceeding 50,000*l.* out of the consolidated fund of Great Britain and Ireland, for a provision to his highness Prince Albert of Saxe Coburg and Gotha, to commence on the day of his marriage with her Majesty, and to continue during the life of his Serene Highness.

Mr. *Hume* wished to ask the noble Lord one question. The noble Lord had stated that the establishment of the late Prince of Wales was to be adopted as the pattern on which the establishment of Prince Albert was to be placed. Now the Prince of Wales had a separate palace, and what he wished to know was, whether it was intended that there should be a separate palace or dwelling provided for Prince Albert?

Lord *J. Russell* said, it was not intended to have anything of the kind; but of course Prince Albert would have persons belonging to his household beyond what now constituted the establishment of her Majesty.

Mr. *Goulburn* asked whether the grant was to be absolute, or during her Majesty's pleasure only?

Lord *J. Russell* said, that it was intended by her Majesty that the grant should be for life.

Discussion postponed. The House resumed. Chairman reported progress. To sit again on Monday.

EJECTMENT AND REPLEVIN BILL.—Mr. *Emerson Tennent* moved for leave to introduce a Bill for the purpose of remedying a defect in the existing law relative to ejectment and replevin, which, though an inconvenience and a grievance in England, was, from the nature of the tenures peculiar to Ireland, a most serious obstacle to the course of justice in that country. The case was this, the ejectment and replevin statutes professed in their own provisions to be designed for the benefit of those alone between whom there subsisted the relationship of landlord and tenant; and, in order to constitute that relationship, it was indispensable that the lessor should have in himself a reversion of the lands on the extinction of the term demised to the lessee. He was anxious to avoid technicalities in the matter. If the landlord demised to the tenant the entire estate or interest which he himself held—if he gave him his lands for the same lives or the same number of years for which he held them himself—then the instrument became, not a lease or an under-lease, but an assignment in law; whilst, on the other hand, if he reserved to himself one day, one hour, or one minute, beyond the term enjoyed by his tenant it became a lease, and the relationship of landlord and tenant was created by it. In the latter case the landlord would be able, for the recovery of his lands, or of his rent, in case of its non-payment, to avail himself of the short and simple process provided by the replevin and ejectment statutes, whilst in the other case he could have no remedy except by action for breach of covenant, or by bringing an ejectment at common law, a process full of technical difficulties, and, owing to its antiquated and critical requirements, seldom or ever satisfactory or successful. In Ireland this hardship had been felt to be very formidable, owing to the almost universal tenure in that country of "lives renewable for ever," by which one-sixth at least of all the lands in Ireland were held at this moment; and as the prevailing practice was for an under tenant to take the same lives in his lease as those by which the lessor held, in order, as at first sight it would seem, to avoid confusion and trouble, the law as now settled, would deprive such lessors of their simple remedy, by ejectment and distress, for recovery of rent, and they were driven to the antiquated processes of law which these statutes were meant to supersede. It was clear that this was one result never designed by the framers of the ejectment code; and that it was an anomaly which it was the duty of the Legislature to remove. The matter had lately attracted much attention in Ireland, owing to the conflicting decisions of the Judges upon the point. In one case, that of "Pluck *v.* Digges," in replevin, in the year 1828, seven of the Judges, upon argument in error, decided against three that the statute did extend even to cases in which no reversion was reserved. But this decision was overruled by a decision of the House of Lords in 1830 or 1831, who ruled, with the minority of the Irish bench, that the case was not within the statute. Immediately upon this result a second case was tried—that of a tenant in the county of Fermanagh, who had been ejected fifteen years before under a similar tenure, and now brought a cross ejectment to recover back possession, on the ground that his landlord had demised to him for the same lives as those in his own lease; and in 1833 the King's Bench in Ireland held that there was no substantial distinction between the case of a replevin and an ejectment for non-payment of rent, with reference to the necessity for a revision to constitute the relation of landlord and tenant, and decided against the landlord, in conformity with the precedent in Pluck and Digges. But a third case arose two years after in that of Ferly and Welsh, a case of ejectment, in which the Court of Exchequer departed from the decision of the Court of King's Bench, and conceived that the case of replevin decided by the Lords did not govern that of ejectment, and ruled accordingly for the plaintiff. So that the practical result from all this was, that at the present moment a landlord, under such circumstances was helpless in replevin, and had but a doubtful remedy in ejectment, inasmuch as the Exchequer had differed from the King's Bench upon the point. The object of the Bill he asked leave to introduce was to set this matter at rest, by giving to the party without the reversion the same protection and remedy as was now conferred by the statute on him who had the reversion—a remedy which was now withheld from him merely by an unimportant technicality.

Mr. *Pigot* would not raise any objection to the introduction of the Bill by the hon. Member, but he should look with extreme closeness and care into any Bill which should go to disturb the uniformity which existed between England and Ireland in respect to legal rights and modes of legal proceedings.

Leave given, brought in and read a first time.

IRISH LAW AMENDMENT BILL.] Mr. *Emerson Tennent:* The Bill which he had now to move for leave to bring in was substantially framed upon the principle and provisions of the Act for the amendment of the law in England, passed in 1833, and which embodied the recommendations of the commissioners appointed some years before, to inquire into the common law. That Act was so highly approved of in principle, that it passed both Houses of Parliament almost without alteration, and certainly without opposition, and in practice it had been found to realise all the advantages anticipated from it. The hon. and learned Gentleman, the Attorney-general, who introduced it in the Commons, pronounced it to be a bill which "would do more to simplify the law, and to render justice cheap, than any Act that had ever before been passed;" but when urged to extend it to Ireland by several Members, amongst others the learned Member for the county of Galway, it was found, independently of the fact, that some of its provisions being not altogether applicable, that it embodied regulations with regard to pleadings so different from the practice in

Ireland, that it was impossible to extend it without material alterations. In the bill which he proposed to introduce these alterations had been carefully made, and the provisions which he had retained were all such as would be most beneficial, and would, he trusted, meet with the concurrence and approbation of the House. He had introduced into it one provision which was not to be found in the English Act, with regard to personal actions for the recovery of arrears of rent and annuities reserved by specialty. By an Act passed in the same year, 3rd and 4th William 4th, c. 27, the limitation for the recovery of these by action was fixed at six years, but without any provision for cases of acknowledgment in writing, or by part payment, or for cases of disability in plaintiff or defendant. Some doubts existed as to the applicability of this clause in certain cases, and, in order to remove them, he proposed to fix the limitation at six years (which was in conformity with a recent decision in the Exchequer of Ireland, that of "Bruen *v.* Nolan"), and also to provide for the exceptions he had just alluded to. Without troubling the House with any minute details, he would very briefly state the most important of the other points provided for in the bill. One of them was to prevent the abatement of actions on joint contract, in consequence of the nonjoinder of parties either resident beyond the jurisdiction, or whom, by reason of insolvency or other similar causes, it would be unavailing for the purposes of justice to include, and also to regulate the costs in such cases. Another object of the bill was to provide writs in certain cases for successful parties who were not entitled to them, as in the case of actions by executors and administrators who were not now liable, and also in that of special juries where costs were now given under certain limitations only where a verdict has been returned. The bill would likewise render executors and administrators liable to an action of debt on simple contract, and would enable them also to recover arrears of rent accruing in the life of the testator by distress upon the lands. It provided also for facilitating the proof of deeds and other documents, and for materially lessening the trouble and expense of doing, so, and under certain restrictions it provided for the admission of the evidence of parties interested in the verdict, but whose testimony was at present inadmissible on the trial. It also empowered the Judges of the superior courts to direct issues in certain unimportant cases to be tried by the assistant barrister of the county where the action was brought, and it gave in such cases a speedier process for the entering of judgment, thus at once reducing the expense and expediting the course of justice, and even a more important provision was, that which went to enable the parties, when agreed upon a statement of facts, to obtain the opinion of the court upon them, which would be tantamount to a verdict, without incurring the delay, the trouble, and the costs of an action or an amicable suit. Another most important power which an English jury now possessed, and which he (Mr. E. Tennent) wished to see conferred upon an Irish one, was to enable them to find a verdict for the interest upon a debt as well as for the principle, provided a demand should be made of the debtor, and notice given him that interest would be claimed from the date of that demand. At present no such power existed, and a merchant or a trader was thus deprived even of interest upon that portion of his capital entrusted to his debtor, which in his own hands might have been producing a return beyond it. The bill would likewise provide for the facilitating of settlements by means of arbitration, a process which was beset with many difficulties at present, and would give a power to arbitrators to summon witnesses, and to examine them upon oath, which they did not now possess. These were the chief objects embraced in the bill, the every clause of which was designed to render the process of law more expedient, and materially to diminish the trouble and the cost of obtaining justice. With its minor details he would not now trouble the House, but would move for leave for its introduction.

Leave given.

Bill brought in and read a first time.

HOUSE OF LORDS,

Monday, January 27, 1840.

Socialism.] Lord *Brougham* held in his hand a petition from Mr. Owen, in which he expressed his desire that the body of which he had been the founder—

the Socialists—and the principles which they profess, should be inquired into by the House. That petition had been in his possession since Friday last, but as he had been late in arriving at the House, and as the Right Rev. Prelate (Exeter) had commenced his address, he, on that occasion, had no opportunity of presenting it. He had another petition from the same gentleman, which had been placed in his hands since. He did not know whether, in point of form, it could be received. He had but little doubt that it could not however; but still he felt bound to state its contents to their Lordships. He of course knew that no allusion could be made to any thing done, or any speech made, in the House, and that the public were supposed only to be acquainted with the conduct of the different Members, or the acts of the House as a body, by means of the printed and published votes. But still he thought that the petition, though it referred to the report of words used in the House on the other night, might be brought under their Lordships notice. The petitioner stated that his views regarding the general state of society, and the means which he proposed for its amelioration, had been misrepresented in the newspapers of Saturday and Sunday; that these misrepresentations purported to be the language which had fallen from a noble Member of that House; that, being published in all the newspapers, they had gone forth to every quarter of the globe where the English language was known; and that he claimed as an English subject, to be heard in reply to such misrepresentations, and prayed for a full and fair inquiry into the principles which he professed, in order that his defence might be as widely circulated as the unfounded charge which had been made against him—that his whole system might be honestly and fairly laid open, and that the world might know the whole truth. He had forgotten one circumstance when he addressed a few words to the House on Friday. The petitioner was not only a person whose whole character for humanity was extremely alien and averse to all those principles with which he was charged, but he was a man who advocated only the most peaceful changes. Not only so, but he was bound to state that, when Mr. Wilberforce, in the other House, vouched for his respectability and character for philanthropy, he had stated that Mr. Owen had such a regard for the propagation of his principles, which he thought entirely for the benefit of the human race, that he had reduced a very large fortune to a small one, and this was a strong test of his sincerity; and that his philanthropy was so great that he had spent more than any hundred individuals, however charitable they might be, had spent during the course of their lives. When the British and Foreign School Society was first established, he immediately transmitted a donation of 1,000*l.*, which was much more than the most magnificent gift they had received; and to show that his philanthropy was not sectarian, about twelve months after, when the National School Society was established, he immediately transmitted the munificent donation of 500*l.* Such a person as Mr. Owen, whatever might be the peculiarity of his views, ought, he thought, to receive credit for sincerity and honest intentions, after having spent scores of thousands of pounds in acts of indisputable charity, in the doing of which he could not possibly have an interested motive. Often as that gentleman had been attacked, he had never before alluded to the injustice which had been done him; but he now deemed it his duty to set himself right with the public, and he did so without the least regard to the consequences. For the discharge of this part of his duty, he knew that he should be attacked in every variety of way, and be exposed to every sort of abuse for the next twelve months. He might be called an Owenite, he might be said to favour the views, and to agree with the principles of the Socialists, from which their Lordships knew he entirely dissented; but in doing an act of strict justice to an injured individual, he cared little for the abuse of slanderers.

The Bishop of *Exeter* was not likely to know what would be brought forward by the noble and learned Lord, and he had not expected that the subject concerning which he had presented a petition the other night would be received. He knew that it had reference to the speech which he had had the honour of addressing to their Lordships on Friday. He could not enter again into the discussion, but he wished that the noble and learned Lord would take the course of moving in a committee for inquiring into the whole facts of the case. He had stated to the House the reason why he had not taken upon him that duty. The reason was that he wished to avoid a course which might savour too much of an inquisitorial character, that it was not right to act the part of a grand jury. Having presented a petition against the system, and having felt it to be his duty to stigmatise, in the strongest language, the character and conduct of its advocates, such might appear to be the case if a motion for a committee came from him. But the case was very different with the noble and learned Lord who had presented a petition from the parties affected by the inquiry. He could not move for it himself, but he would joyfully concur in such a motion coming from the noble Lord. The goodness or morality of Mr. Owen's character he had not said any thing against. The noble Lord had stated two facts—two splendid facts in favour of the character of that gentleman. In short, he had said that he was ruined by his liberality and his eagerness to promote the good of others. He trusted that it was so. No one could more rejoice at a circumstance exhibiting in so strong a light, kindness of heart, and benevolence of disposition. He had, however, heard the character of Mr. Owen represented under very different circumstances on many most important points, and had been informed that the ruin of his finances had not been caused by the reason so charitably assigned by the noble Lord. He would abstain from discussing the character of Mr. Owen, but he thought it only justice that the facts of the case should be fully inquired into, and he hoped that the noble Lord would make a motion to that effect.

Lord *Brougham* said as to the "ruin" of Mr. Owen's finances, which had been alluded to by the right rev. Prelate, he had made use of no such term. Mr. Owen was not a ruined man. He had never said that he was—he never thought so, and it would be a most injurious thing to go forth that such was the fact. He had never even mentioned it, and he would just show how accurate people were in making such statements. Now, what he said was this, that Mr. Owen had reduced a large fortune to a moderate fortune—but was every one ruined who had only a moderate fortune? If so he was ruined. The right rev. Prelate, who was a zealous, faithful, active servant of the Church, had only a moderate fortune, and, therefore, according to that interpretation, he was a ruined man. The man who once possessed a fortune of twenty-two thousand pounds a year, and now had only one or two thousand, would have a reduced fortune—would have a moderate fortune—and yet he could not be called a ruined man. All he had said was, that Mr. Owen had very much reduced his fortune, but this statement as to the "ruin" of his finances showed how accurate people were who were very zealous. The right rev. Prelate said also that he had heard a very different account of the causes of the reduction of his fortune. Now there was no doubt that Mr. Owen had a great many enemies, and that envy and malice had worked their spite on him, as on all good and great men. But he was acquainted with the whole circumstances of the pecuniary and commercial transactions in which Mr. Owen had been engaged, and knew very well the source from which the false statements came. He ought perhaps to move for a committee of inquiry, and, considering the part he had taken, and the petition he had presented, it almost seemed the proper course. He thought, however, that enough had been said in vindication of Mr. Owen. It would go forth that he denied the charge against him, and, what was better, challenged inquiry. He had, moreover, borne testimony to his character, and he thought it better to let it rest at the point where it now stood. He should be very unwilling to promote an inquiry that would have a tendency to propagate the knowledge of such extremely bad, and, in his opinion, dangerous doctrines, since even such absurdities might find converts among the uninstructed part of the community, and particularly those labouring under distress, when they promised to relieve their sufferings and remove their distresses. That would be the effect of such proceedings being circulated in all the various channels of public information.

The Bishop of *Exeter* proceeded to say that he had a petition numerously and respectably signed from the inhabitants of the town of Huddersfield, in the West Riding of Yorkshire, strongly pressing upon the House the necessity of instituting such inquiry, and taking such steps as might seem desirable for the protection of religion, morality, social and domestic happiness, and the rights of property, and in moving it should lie upon the table, he begged leave to state that, in consequence of what had fallen from the noble Lord, and also the noble Marquess on a former occasion, he thought it necessary that something more should be done. He did not assent to the opinion that they should abstain from the prosecution of crime, because it would be the means of publishing it to the world. If he thought greater danger would result from such an inquiry he should be content not to act a vindictive part against the propagators of such monstrous doctrines—but he felt it absolutely necessary to take some steps to vindicate justice and the morals and religion of the people. He was not speaking on light foundation, for he had that morning received a letter from Hampshire, giving an account of horrible and chilling blasphemies uttered at a Socialist meeting, in the neighbourhood of a place where they had lately purchased a farm of 500 acres to try their experiments. The right rev. Prelate read the letter alluded to, which was written by a clergyman, "of the highest respectability, and towards whom he entertained the highest respect," in which an account is given of a visit paid to the Socialist meeting by the writer, accompanied by a magistrate of the county, and of the obscenity and blasphemy there used. This letter was not a solitary one. He had this morning received several containing similar accounts. Now these things, he thought, called for immediate inquiry, and, considering what had been stated by her Majesty's Secretary of State for the Home Department and the noble Lord, he would to-night give notice of a motion after the petition had been laid upon the table

Lord *Brougham* said that he only wished to make one remark. The right rev. Prelate laboured under a grievous mistake if he had understood him to lay down as an abstract principle, that the prosecution of crime should never be undertaken in consequence of the increased publicity which would necessarily be given to them by such proceedings. He also did not understand the noble Marquess at the head of the Home Department to have laid down a proposition in the abstract so absurd, as that in no case should publications or pernicious principles be made the subject of prosecution, for fear of increasing the publicity. In many cases, though the present publicity might be increased, eventually, the spread of the poisonous principles might be prevented. His objection also was not so much to prosecution as to going on in irregular debates on the subject in that House.

The Bishop of *Exeter* said, he felt the inexpediency of irregular debating, and he would at once therefore give notice that he would move an address to the Crown to take steps to prosecute persons who were, or might be, guilty. He would not and could not be expected to state the precise words; but the effect would be to interpose its protection on behalf of religion and morality, against the horrible blasphemies of Socialism.

Motion to be made on the 3rd of February.

Buenos Ayres.] — Viscount *Strangford* begged to remind the noble Viscount at the head of her Majesty's Administration of the promise which he had given the other night, to answer the question then put to him respecting the arrival of an authorised agent at Paris from the Government of Monte Video.

Viscount *Melbourne*—All the answer I can give is, that the agent from that Government has arrived in Paris, but of what intelligence or what propositions he is the bearer I cannot tell.

Viscount *Strangford* said, that he was then to understand that the noble Viscount and his colleagues know absolutely nothing at all respecting the objects of this agent's mission to Paris. For the present, he would only say that he had lately read, in a very amusing periodical, a description of a society of good-humoured, jovial gentlemen, who met in this town, under the name of the "Wide-awake Club." It was quite clear that the noble Viscount did not belong to that club. It was quite clear also that, if he or his colleagues were to seek admittance there, they would stand a chance of being grievously blackballed, on the score of want of qualification; for assuredly they are not wide awake, but very far from it. What he now asked the noble Viscount was, whethe the Government were aware that, at this present moment, the city of Monte Video and its dependencies were actually in the military possession of French troops?

Viscount *Melbourne*—Yes, we are aware of that.

The Earl of *Aberdeen* said, that he was desirous of making a few remarks on the blockade which was now being carried on, and he thought that the importance of the subject would warrant him in detaining for a short period the time of their Lordships. He thought that that blockade was utterly unjustifiable, and quite incompatible with the established principles of the law of nations and the practises of England. He had always understood that the right of blockade was strictly a belligerent right—that the proceeding was strictly belligerent, put in force only by belligerent parties. Now the noble Viscount opposite and all their Lordships must know, that France was at war with Buenos Ayres. With a nation which considered itself injured, after claiming redress, the usual practice was to order reprisals. Reprisals—whether to a just or unjust extent he need not stop to consider—were usually made in cases where injuries had been inflicted, or parties accused. France had ordered no reprisals, but a blockade was immediately commenced, and the injurious effects of this blockade were really felt by this country and not by Buenos Ayres. It was said to be injurious to French commerce as well as to British commerce, and so it was as far as it went. But consider the difference between British and French commerce. The French have, comparatively speaking, no commerce with Buenos Ayres, but the British commerce with those provinces is of enormous amount. If the Government of France, in fact, entertained the project of acting in a manner the most injurious to this country with the least risk to themselves, they could not have carried their wishes into effect more successfully than in the line of conduct which they adopted towards Buenos Ayres. They acted in direct opposition to the law of nations, and there was only one case in which a similar course had been adopted, and that case had been furnished by the noble Viscount. He alluded to the notification of the blockade of the ports of Columbia. That was announced during the recess, and it was his intention at the time to bring it before the House. The blockade was raised in two or three weeks. Parliament met, and its attention was occupied with other subjects, and nothing was done. With that single exception, not any case had occurred where a blockade had been raised in such a manner and under such circumstances. The blockade of Buenos Ayres had now continued two years, and the noble Viscount at the head of the Government gave them no hope of its termination. He would not enter into the question as to the justice of the dispute, but he certainly thought that the French Government, in the prosecution of their claims, ought not to have had recourse to a system so injurious to this country. If this resolution had been made and this conduct pursued by a despotic Government, what complaints would have been heard, what shouts would have rung from one end of the country to the other. Would it not then, indeed, have been said that this proceeding was unequivocal proof of determined hostility to England? And, though such proceeding had been adopted by a liberal and enlightened Government, yet he could not, nevertheless, look with complacency on such disregard of British merchants—such contempt for British interests. The blockade was established by a friendly State, but if it were to produce such results—results the most hostile to British commerce and British interests—a friendship on these terms must prove seriously injurious. He would not detain the House any longer, but he trusted that the noble Viscount (Melbourne) would state directly to the French, the injury inflicted on the commerce of the country.

Viscount *Melbourne*—The noble Earl is wrong if he supposes that either I or any other of her Majesty's present Administration are indifferent to the commercial interests of the country, or have not paid proper attention to the topic to which he had alluded, and the consequences necessarily resulting from it. The occupation of the French is, and always was intended to be, temporary, and was originally instituted for the purpose of protecting all the inhabitants of the place—British and otherwise—who would have been exposed to the utmost inconvenience and cruelties but for this proceeding. I admit that some injury is done by the blockade to British commerce. I feel quite as strongly as the noble Earl does, or as any noble Lord can, than such injury is great, though it is perhaps unavoidable. No opportunity has been lost by the Administration of expressing to the French Government our solicitude and anxiety upon the subject, and I have done my best offices to put a stop to these hostilities. I did not, in answer to the question put to me the other night by the noble Viscount, and will not express a hope, for I do not believe that a speedy termination can possibly be given to this dispute, and I will never excite hopes which there is not a probability will be fulfilled. The House and the country would only be disappointed if the termination were longer than they expected, and only increased regret will be caused by the expression of too sanguine a hope. The noble Lord says that the blockade is unjustifiable, and that it ought only to be a belligerent proceeding. It is to all intents and purposes a declaration of war, and the nation against whom it is directed might treat it as such if they chose. But it was entirely in the discretion of that nation, and, if it do not adopt that course, it must be left to do as it likes. All the inconvenience and evil to which we are exposed, I trust will be brought to a speedy termination.

Lord *Colchester* pointed out the advantages resulting to Great Britain from the continuance and preservation of our commerce with Buenos Ayres. From the position of different ports, and our intercourse with the inhabitants, the injury done to our merchants by the existing blockade was very great. Our commerce with the province was most extensive, and our interests were receiving the most serious injury. He trusted that her Majesty's Government would do all in their power to remedy so great an evil.

NATURALIZATION OF PRINCE ALBERT.]—The *Lord Chancellor* moved the second reading of Prince Albert's Naturalization Bill, and, in doing so, he would refer their Lordships to the bill which had passed the legislature previous to the marriage of Prince Leopold and the Princess Charlotte. The House must recollect that her Royal Highness and her consort were in a different situation from the parties alluded to in the present bill. It was obvious, that if the Princess Charlotte had become Sovereign of this realm, some alterations would have been made with respect to the precedency of the Prince, who would then be the consort of the reigning Queen. The noble and learned Lord, after referring to the precedents in the cases of the marriage of Mary and Philip, and Queen Anne and Prince George of Denmark, said, that it would only be necessary for him to refer to the principal provision of the bill, which was this:—"For and during the term of his (Prince Albert's) life, to take precedence in rank after her Majesty, in Parliament and elsewhere, as her Majesty may think fit and proper, any law, statute, or custom to the contrary notwithstanding."

The Duke of *Wellington*:—My Lords, I certainly am not at all inclined to discuss this measure, or to give it any opposition, at the present moment. It is too serious a matter to be taken into the consideration of the House on the short notice which we have had of the nature of this bill. The noble and learned Lord lays this bill on the table on Friday night, after a debate, and the bill is entitled "An Act for the Naturalization of his Serene Highness the Prince Albert of Saxe Coburg and Gotha." I asked the noble and learned Lord when he intended to read the bill a second time, because I understood that it was a bill which meant no more than its title indicated. I thought it was a bill entirely consequent upon the other bill which passed both Houses last week, and which is now the law of the land. The noble and learned Lord said, that he intended to move the second reading on Monday, but he said not one word regarding the precedency, which is the important point in the bill. A noble Friend of mine looked at the title of the bill as I was walking out of the House, and he told me that it was nothing more than a bill of naturalization. The consequence was, I had no knowledge of the real contents of the bill. I had no idea of its contents until a noble Friend sent me a copy. My noble and learned Friend (Lord Lyndhurst) I am sure would not be absent on this occasion if he had any idea that the bill related to anything beyond mere naturalization. As this is the case, I hope your Lordships will receive the proposition I am about to make to you, to adjourn this debate to some day in the course of the week, to give noble Lords an opportunity of really looking into the subject. Besides, there is something very extraordinary in the title of the bill; it is not the same as the title of the bill in the case of Prince Leopold's marriage. It is also very desirable that it should be known precisely what is intended to be done, for the words in the clause are very large indeed—"For and during the term of his natural life, to take precedence in rank after her Majesty, in Parliament and elsewhere, as her Majesty may think fit and proper, any law, statute, or custom to the contrary notwithstanding." I move, my Lords, that this debate be adjourned to Friday next.

Viscount *Melbourne:* It would certainly be more desirable, and more conformable to former precedents, if this bill was passed without delay. The noble Duke objects, that its title does not state the fact that it is to provide for the precedence of Prince Albert. This omission, I believe, was accidental, but I don't think it of any great consequence, nor as at all depriving noble Lords of any information as to the substance of this measure, because it is perfectly clear that a naturalization bill must fix the rank and station of Prince Albert; otherwise he would have no rank or station whatever; a precedent which I presume Parliament is not desirous to establish. The noble Duke complains that my noble and learned Friend did not make the explanations the other night which he offered to-night. The proper time for such remarks is on the second reading of the bill, and this opportunity my noble and learned Friend had availed himself of. The noble Duke says that he and other noble Lords require further time for the consideration of this subject. I think it would be somewhat better if a more expeditious course were taken; but unquestionably this bill differs in form from other bills, as the case differs from other cases; and it does give her Majesty an ability to bestow on Prince Albert a higher station than that assigned to Prince George of Denmark, or Prince Leopold. The reason for the difference in these cases is to be looked for in the relative situation of the parties. As to the marriage of the Princess Charlotte, I believe the Prince Regent as well as that Princess were quite conscious that the arrangement then made was a temporary one, and that changes must speedily have been proposed to Parliament on the subject. I believe there is pretty good evidence, that such was the feeling of the parties to that transaction. The noble Duke seems anxious to know how the power about to be conferred by this Act is to be exercised. I have no hesitation in saying, that it will be acted upon to the full extent bestowed by Parliament. It is intended, if Parliament should give that power, to raise Prince Albert to a station next to that of the Queen; and this arrangement, however it may be opposed by others, has not been objected to by those peculiarly interested in point of rank. The noble Duke has moved, that the debate be adjourned. I think that rather an ungracious course. I am of opinion it would be better to read the bill a second time, and reserve any objections for the next stage of the measure, when of course it would be perfectly open to any noble Lord to enter into a discussion of its merits. That is the course I propose. I am sorry that any objection was taken, or difficulty raised on this question; but I still feel it desirable to have it fully canvassed.

The Duke of *Wellington:* I repeat, that not a word is mentioned in the title of this bill as to the precedence of Prince Albert, though every other naturalisation bill referred to the subject of the rank of the Prince who was to be allied in marriage to the Queen.

Viscount *Melbourne:* But the rank was always fixed by the Naturalization Bill.

The Duke of *Wellington:* Yes, and the precedence was always mentioned in the title; but nobody could have a notion from the title of this bill, that such a subject was included in it.

Lord *Brougham* could bear testimony to the fact, that his noble and learned Friend left town at one o'clock to day, under the impression, that this bill was a mere matter of course. He quite agreed, that it was very unpleasant to have such a measure not expedited as much as possible, but for this the House was not to blame, but the framers of the measure. The question which arose was of great novelty in a constitutional point of view, as this measure conferred a precedence new in amount, and in a totally new way. In former bills the precise precedence of the Prince was fixed. This bill at once naturalized Prince Albert, and enabled her Majesty to affix him any rank she chose. He had a constitutional objection to such a course. It ought to be taken by Parliament, and not by the Crown. In his humble apprehension, it must be much more gratifying to the illustrious individual about to be united in marriage to the Queen, of whom he spoke with the highest respect, to have his rank conferred by the Parliament, which consisted of the Queen as well as the Lords and Commons, but of the Lords and Commons as well as of the Queen. When the Princess Charlotte married, she was heir presumptive to the Throne. The grandfather of the Princess was in an unfortunate state of mind, totally past recovery. Her father was King to all intents and purposes. He had been separated from his wife for years and years, and consequently there was not the least chance of any further issue. There was this remarkable feature also in that case, which clearly proved, that the Princess was considered as the heir apparent; and as it was connected with that department over which his noble Friend (Viscount Melbourne) had a control, he wondered he did not bear it in mind. What did Parliament do? It fixed 50,000*l.* a-year on her husband. Would any man living believe, that such a sum would be given to any other than the husband of the heir apparent? It was really a joke to say so. He should not enter into a discussion of this subject at present, merely premising, that he should not be in the slightest degree swayed by the fact, that no objection was taken to this step by the illustrious persons affected by it in point of rank. The matter was probably put to them in such a way that their delicacy would not permit them to oppose the arrangement which was proposed. Observe, too, that an infant's assent (that of the son of the King of Hanover) was necessary to be gained to this proposal. His noble and learned Friend (the Lord Chancellor), conversant with courts of equity, would feel the force of this objection. Prince Albert would not only have precedence of the Dukes of the royal blood, but of the Prince of Wales. Suppose (which God forbid!) that the Queen had paid the debt of nature before any issue of the approaching marriage was born, we should have a King and a Prince of Wales, while Prince Albert would be placed in the anomalous position of a foreign naturalized Prince, the husband of a deceased Queen, with a higher rank than the Prince of Wales. He should support the noble Duke's motion.

The *Lord Chancellor:* This bill gave her Majesty the power of fixing the rank of Prince Albert, as that on the marriage of the Princess Charlotte conferred on the reigning Monarch the power of assigning a rank to Prince Leopold next to the Dukes of the blood royal. The omission of reference to the subject of precedence in the title of this bill was purely accidental; and he found, by looking at the Acts, that the noble Duke was quite right in asserting, that this point was noticed in the titles of former naturalization bills. He apprehended, that noble Lords had no objection to passing a naturalization bill; and he, therefore, hoped, that the second reading would be passed, while the discussion on the matter alluded to could be reserved.

Lord *Brougham* said, that under the clause the words were so wide, that the Queen might create Prince Albert King Consort. It was distinctly laid down by Lord Coke, that the Monarch of this country could create or invent any new title except the King of any portion of the country. If the noble Duke pressed his motion he should vote with him; but he was sure, that it was not the intention of the noble Duke to throw any captious obstacles in the way of the progress of the bill.

The Duke of *Wellington:* My Lords, I do not wish to discuss the principle of the measure. I think, however, that I was justified in making this application to your Lordships in consequence of the unfortunate arrangement in the title. But the noble and learned Lord asks, why not agree to the second reading, and make the objections in the committee? That is exactly the thing that ought not to be done. I do not think, that the House is now in a state to be able to come to a decision on the second reading of the bill. I object to the principle of the bill, but I will not go into a discussion on the present occasion. I propose, therefore, that this debate be adjourned. To-morrow will be too early a day to fix, and, as Thursday is generally considered a holiday, I must move, that this debate be adjourned to Friday.

The Marquess of *Londonderry* said, that he must object to giving a foreign Prince precedence over the blood royal. The noble Viscount said, that the illustrious persons next interested had not shown any disinclination to the proposed course. He wished to ask if the noble Viscount was sure of the fact as regarded an illustrious person not now in this country? He believed that he was summoned to this Parliament as the Duke of Cumberland.

Viscount *Melbourne:* I did not mean to speak for the King of Hanover.

Debate adjourned.

HOUSE OF COMMONS,

Monday, January 27, 1840.

Minutes.] Petitions presented. By Messrs. Villiers, O'Connell, and Warburton, from a number of places, for the Total Repeal of the Corn-laws.—By Admiral Adams, from one place, for allowing the Church to exercise its functions independent of the Civil Power.—By Sir M. Wood, Messrs. Hume, Ward, and Easthope, for the Abolition of Church-rates, and the Release of John Thorogood.—By Messrs. O'Connell, and J. O'Connell, from a great number of places, for an Extension of the Franchise, and Corporate Reform in Ireland.—By Messrs. Plumptre, Maxwell, and Halford, from three places, for Protection to the Church of England.—By Mr. French, from Tipperary, for Medical Reform.—By Mr. Divett, from Exeter, for Reform of the Court of Chancery.

PRIVILEGE — STOCKDALE *v.* HANSARD.] Lord *John Russell:* I hold in my hand a petition affecting the privileges of the House upon which I do not feel it necessary to make any comment. Having brought it up, I shall merely move that it be read.

[Petition read. It purported to be a petition from Messrs. Hansard, the printers to the House, showing that a further suit had been commenced against the petitioners in the Court of Queen's Bench, by John Joseph Stockdale, and that a writ of summons had been served upon them on the 25th of January, by Thomas Burton Howard, the attorney for the said John Joseph Stockdale. Under these circumstances the petitioners humbly prayed, that they might receive the instructions of the House as to the course they should adopt.]

Lord *John Russell:* The petition having been read, I shall simply move, "that Thomas Burton Howard be ordered to attend the House forthwith."

Sir *R. Inglis* contended, that if the House were to act upon such a petition, it would act as a general prohibition on the part of the House against Mr. Stockdale's bringing any action whatever against the Messrs. Hansard. There was not one word in the petition, from the beginning to the end, that in any way connected the matter with the privileges of the House. He for one, therefore, solemnly protested against any interference on the part of the House.

Viscount *Howick* conceived, that the objection of the hon. Baronet would have been perfectly well-founded, if his noble Friend had proposed, that the House should at once proceed to commit Mr. Howard to custody. But as he understood the motion, that was not the object of it. The motion was, that Mr. Howard be ordered to attend that House forthwith, and, as he conceived, the plain and simple object of the motion was to ascertain from Mr. Howard himself, whether, as they had every reason to believe, the present action was similar to those which he had previously brought against the printer. The hon. Baronet was a Member of the committee which sat upon this subject, and, having been so, could hardly have forgotten that in those former actions the writ was in precisely the same terms as that now served upon Mr. Howard.

Sir *R. Inglis* moved, by way of amendment, that the petition of Messrs. Hansard contained no allegation, that the action was brought against them as printers to the House, and that in the absence of any such allegation it is not fitting for the House to take any further steps in this matter.

Amendment withdrawn, the House divided on the original question—Ayes 181; Noes 67:—Majority 114.

List of the AYES.

Adam, Admiral
Ainsworth, P.
Alston, R.
Baines, E.
Barron, H. W.
Beamish, F. B.
Bernal, R.
Blackett, C.
Blake, W. J.
Blakemore, R.
Blennerhasset, A.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bramston, T. W.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Butler, hon. Colonel
Byng, rt. hn. G. S.
Calcraft, J. H.
Campbell, Sir J.
Campbell, W. F.
Cantalupe, Viscount
Cartwright, W. R.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Colquhoun, J. C.
Compton, H. C.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Curry, Mr. Serjeant
Dennistoun, J.
Divett, E.
Donkin, Sir R. S.
Duke, Sir J.
Dunbar, G.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Elliott, hon. J. E.
Ellice, right hon. E.
Ellis, J.
Ellis, W.
Euston, Earl of
Evans, G.
Ewart, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fox, S. L.
Fremantle, Sir T.
French, F.
Gaskell, J. M.
Gisborne, T.
Gore, O. J. R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grattan, H.
Greig, D.
Grey, rt. hn. Sir G.
Hardinge, right hon. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Herries, rt. hn. J. C.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hope, hon. C.
Horsman, E.
Houldsworth, T.
Howick, Viscount
Hughes, W. B.
Hume, J.
Humphery, J.
Hutton, R.
Irving, J.

James, W.
Jenkins, Sir R.
Jones, Captain
Langdale, hon. C.
Lascelles, hn. W. S.
Leveson, Lord
Loch, J.
Lushington, rt. hn. S.
Macauley, right hon. T. B.
Mackenzie, W. F.
Mackinnon, W. A.
M'Taggart, J.
Martin, J.
Milnes, R. M.
Morpeth, Viscount
Murray, A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Ord, W.
Oswald, J.
Parker, M.
Parker, R. T.
Pattison, J.
Pechell, Captain
Peel, rt. hn. Sir R;
Pendarves, E. W. W.
Ponsonby, G. F. A. C.
Ponsonby, hon. T.
Price, Sir R.
Pryme, G.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Roche, W.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanderson, R.
Sandon, Viscount
Sanford, E. A.
Seymour, Lord
Shelborne, Earl of
Sheppard, T.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Speirs, A.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Turner, E.
Turner, W.
Villiers, hon. C. B.
Villiers, Viscount
Vivian, Major C.
Waddington, H. S.
Wakley, T.
Walker, R.
Wall, G. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilde, Mr. Serjeant
Williams, W.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, Sir T. E
Winnington, H. J.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Maule, F.
Steuart, R.

List of the NOES.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Ashley, Lord
Baring, rt. hn. F. T.
Bell, M.
Baring, H. B.
Blackstone, W. S.
Broadley, H.
Bruce, Lord E.
Burroughes, H. N.
Chapman, A.
Copeland, Alderman
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
Eastnor, Viscount
Eaton, R. J.
Eliot, Lord
Feilden, W.
Fector, J. M.
Fellowes, E.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Godson, R.
Gordon, hon. Captain
Goring, H. D.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Hogg, J. W.
Hope, G. W.
Hotham, Lord
Irton, S.
Jackson, Mr. Serjeant
James, Sir W. C.
Kelly, F.
Kemble, H.
Knatchbull, right hon. Sir E.
Litton, E.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Maclean, D.
Mahon, Viscount
Marton, G.
Maxwell, hon. S. R.
Palmer, R,
Palmer, G.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. Y.
Richards, R.
Round, C. G.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Style, Sir C.
Tennent, J. E.
Wood, Colonel
Wood, Colonel, T.

TELLERS.
Inglis, Sir R. H.
Law, hon. C. E.

Mr. Burton Howard ordered to attend the House forthwith.

PROVISION FOR PRINCE ALBERT.] On the motion of Lord John Russell, the House resolved itself into a committee, to consider so much of her Majesty's Speech as related to a provision for Prince Albert.

Mr. Bernal in the chair.

The paragraph in the Queen's Speech was again read as follows:—

"The constant proofs which I have received of your attachment to my person and family, persuade me that you will enable me to provide for such an establishment as may appear suitable to the rank of the Prince, and the dignity of the Crown."

Question again proposed,

"That her Majesty be enabled to grant an annual sum not exceeding 50,000*l.* out of the consolidated fund of the United Kingdom of Great Britain and Ireland, to his Serene Highness the Prince Albert of Saxe Coburg and Gotha, on his marriage to her Majesty, to commence from the day of the marriage, and to continue during the life of his said Serene Highness."

Mr. *Hume* said, he rose with pain to move the amendment of which he had given notice. It was a matter of great regret to him that her Majesty should have been advised to come forward at this time to demand any establishment, or any grant of money for Prince Albert. He said any, because, from the tenor of the paragraph which had just been read, he was induced to suppose that some separate establishment was to be maintained. If so, he could not think it possible that the noble Lord and his colleagues, and all those who voted with him against any increase of allowance to the Duke of Sussex last Session, could act with such inconsistency of conduct as to propose so large, or even any grant to Prince Albert. But since the House had last sat, he had referred to the precedents quoted by the noble Lord, and it did not appear to him that any of them bore upon the question then under their consideration. All he could learn from the public records with respect to the allowance made to the Prince of Denmark was, that not one shilling was voted to him individually; but the grant was to be to him after the decease of Queen Anne, in case he should survive her. In the same manner he found the precedent in the case of Prince Leopold was merely a grant to the Prince after the death of Princess Charlotte. It appeared that 60,000*l.* a-year was granted, not to Prince Leopold, but to the Princess Charlotte and Prince Leopold, for the establishment, and the Princess's privy purse; 50,000*l.* being for the household, and 10,000*l.* for the privy purse. When an objection was made, in a very mild and gentle way, that the amount was too large, an answer was given to this effect:—"It is a large amount; but bear in mind that the princess is now receiving 30,000*l.*" An additional 30,000*l.* was voted to enable the prince and princess to maintain an establishment suitable to their rank and dignity, but not one shilling was given to Prince Leopold. If the noble Lord would look at the speech of the minister of that day, Lord Castlereagh, he would find it stated that the expenses of the Crown were invariably looked on with more jealousy in this country than in any other, and although the grant was voted unanimously, yet Mr. Tierney made an observation upon the inexpediency of it in the then state of the country, to support what was called the splendour and dignity of the Crown. No grant that had ever been made to any branch of the Royal family had been more objected to than the grant made to Prince Leopold. Looking at the manner in which the resolution was worded, granting the annuity to Prince Leopold, he thought there was no analogy between that case and the present. He believed that the grant, so far from rendering the Queen popular, loved, revered, and looked up to by her subjects, would have the contrary effect. Were he to follow his own opinion, he should object to the granting of a single shilling during the lifetime of her Majesty; but he found an almost unanimous opinion among those with whom he had conversed, that some grant should be made, and he had yielded more, therefore, in the motion he was about to make, to what he believed to be the general wish, than to his own conviction. In the first place he would ask, was there any necessity for such a grant? The noble Lord was pressed the other night by the right hon. Gentleman opposite (Mr. Goulburn) to state what was to be done with the money; and the only expenditure the noble Lord could make out was, that there was to be an establishment for the Prince, at an expense of between 7,000*l.* and 8,000*l.* What was to become of the rest? Did the noble Lord know the danger of setting a young man down in London with so much money in his pocket [*laughter*]? It was no laughing matter. It was easy to imagine, not only what might be the possible result, but what might be the probable result of such a proceeding. He would appeal to the noble Lord, and to the House, whether the proposed grant was not more likely to interfere with the peace and happiness of her Majesty than any act that had yet been done. He thought nothing was more calculated to produce disunion between her and the Prince, than that of putting so large a sum of money into the hands of so young a man; a sum which no person could see how he could honestly and properly expend. So large a grant would promote disunion among the royal persons themselves, and it was brought forward under circumstances that the noble Lord himself could not defend. He recollected very well, when Mr. Canning made a brilliant oration against reform; he said that they might have reform; that they might make the Members more obedient to the will of the electors; they might submit the Members to the influence of various fanciful theories; but that the House, as then constituted, was sufficiently popular for all practical purposes, and that it bent itself to the circumstances of the times, not hastily, but gradually and cautiously, and were they sure that the reformed House would listen to the complaints of the people? And would the reformed House do less than was expected from it? The noble Lord had not acted wisely in bringing forward so large and excessive a grant. "True (the noble Lord said) that the state of the country, at present, did not warrant the grant," but then he added, "you ought not to provide with reference to the present, but the probable future." Would the noble Lord say, if the House of Commons should be prevailed upon to vote the 50,000*l.*, how the money was to be paid? There was already a deficient revenue, already the expenditure exceeded the revenue of the country. Was it only a passing cloud? Was the deficiency only for a day? No; it had been so for the last three years. There had been a deficiency averaging at least a million. He asked, was there likely to be a less deficiency? As far as expenditure abroad went, there was no appearance of reduction, and at home he thought there was still less a prospect of diminished expenditure. He therefore asked whether the noble Lord ought not to have given the strongest and most overpowering reasons before he asked such a vote. The revenue had been deficient, not because the taxes had not been collected, for their produce this year was at least equal to what it had been on an average of the last five years, and those last five had been greater than the average of the preceding five years; but there had been a great increase of establishments and expenditure at home. They had gone on till there had been an increase of two or three millions in the expenditure of the last three years. Could the noble Lord tell him what new taxes he intended to propose for the payment of 50,000*l.*? Suppose a tax was placed on peers, baronets, and men having privileges. He, for one, would have no objection to it. But even if that were done, it would not remove his objection to giving so lavish and profuse an expenditure to any individual connected with royalty. Lord Castlereagh had stated on one occasion, and stated very properly, that the expenditure on the part of the royal family, or of every individual member of it, was viewed with greater jealousy by the people of this country than of any other; and when he had brought on a motion on a subject similar to the present, he was obliged to show that, for the honour and dignity of the Crown, it was necessary to pass the grant which he required. He would beg of the House to recollect that the salaries of almost every officer of the Crown had been of late years reduced, and the only reduction that had not taken place was in the civil list of her Majesty. Therefore it was that he objected to the vote, because it would be placing before the eyes of the people an addition to our already over-paid Royal establishment, and which ought to be reduced rather than increased. This grant would be placing Prince Albert before the Royal Dukes, who were sons of Kings, and the brothers of Kings; and why Prince Albert, because he was to be the husband of the Queen, should be placed so much above the royal Dukes in point of income, seemed to him impossible to be accounted for. In the time of George 3rd, the first settlement was only 10,000*l.* a year to each of the royal Dukes. By the act of 18 George 3rd. 60,000*l.* ayear was granted, to be divided among the six sons, with benefit of survivorship, but that none should receive more than 15,000*l.* a-year. In 1806 the value of money having fallen, Lord Henry Petty proposed an addition of 6,000*l.* a year to the income of each Prince. When he brought forward that proposition, on the 6th of July, 1806, he said,

> "The provision for the younger sons of the King was fixed at 12,000*l.* per annum in 1778. This was judged at that time to be a proper sum, and adequate to the due support of their rank. But he would leave it to the House to determine, when they looked at the increased expense attending every article of consumption, when they considered that most of them had doubled since that period, and some of them more than doubled, whether that sum could be regarded as any way adequate."

He, therefore, proposed, that the 6,000*l.* should be made an addition to that which had been already voted. The only objection made to the grant was by the gallant Colonel the Member for Brecon (Colonel Wood), who complained loudly of the expenditure. Mr. Ridley Colborne, indeed,

> "thought that the House should pause before they voted away such large sums of the public money, at a period of such pecuniary difficulty;"

but Lord Henry Petty answered

> "that certain tables, and other allowances had been lately suppressed, which had cost the public nearly as much as their additional allowances would do."

There, then, a reason was assigned why there should be an increase of 6,000*l.* to the royal income; but here there was no reason for the present grant to Prince Albert. When the bill was brought in, on the 9th of July, Colonel Wood said,

> "That such a proposition should have been submitted to Parliament, under the present circumstances of the country, was, to him, he confessed, no less a matter of regret than of astonishment.
>
> "If the Lords and Commons were alone called upon for a contribution of this nature, he would most clearly assent to it; but feeling for the people, who were already so borne down, he could not consent to increase their burdens, particularly upon the grounds proposed by the mover. The Royal Family were exempt from taxes, which others paid."

On the 11th of July, on the second reading, Colonel Wood added.

"That to make the people dissatisfied with the Government, as this would do, was bad."

It had fallen to his (Mr. Hume's) own lot to propose that a less sum than 21,000*l.* a year should be granted to the royal Dukes; but those days of economy and retrenchment had gone by—they no longer existed. At that time the House listened to a proposal of retrenchment, and even hon. Gentlemen opposite were forced to yield to a large reduction of the incomes of many public offices; and, on the same grounds, he had thought that a reduction should be made in the incomes of the royal Dukes, and he had moved that the allowance of the Duke of Sussex should be reduced to 18,000*l.*, although there was no man whom he (Mr. Hume) respected, as well in his private as in his public character, more than he did the illustrious Duke. In his opinion it did appear necessary that the same rule as had been applied to the minor offices ought to have been applied to those of the highest degree. The expenditure of the court being extravagant and profuse was most dangerous, for it led to the extravagance of those who visited the Court, and induced those difficulties which were seen every day. He (Mr. Hume) asserted that economy ought to begin at the head, with the Crown itself, and ought to extend to all branches depending on the Crown; for, if economy met with the sanction of the highest authority, the example would be generally followed. Was it possible for any one to look at the great difficulties and at the distress which now existed in the country, and to say that this grant was proper? Was it possible that her Majesty's Ministers, in recommending this grant, could be ignorant that from one end of the country to the other it would meet with nothing but dissatisfaction and grumbling. In his view it was not fair to give to Prince Albert a larger sum than had been given to the royal dukes. He had no house to support—no establishment to maintain—no servants to pay; and the House had granted 385,000*l.* a year to Queen Victoria to support her personal dignity. He had endeavoured, as well in the committee as in the House, to reduce the grant; but the House and the Committee had thought that the larger amount ought to be granted. The question now asked was, whether this was a larger or a less allowance than had been granted to William IV.? They had voted yearly to the Queen for her privy purse 60,000*l.*; for the salaries of the household 131,260*l.*; for tradesmen's bills 172,500*l.*; for royal bounty and charity (exclusive of pensions) 13,200*l.*; and for unappropriated monies the further sum of 8,040*l.*; making in round numbers the annual sum of 385,000*l.*, more by 10,000*l.* a year than they had given to William IV. The civil list of William IV. was 510,000*l.* a year, but out of that they had to take the grant for the Queen's privy purse, of 50,000*l.*; 75,000*l.* for pensions now provided for from other sources; and 10,000*l.* for secret service money, making 135,000*l.* Taking then that sum from the510,000*l.*, what remained to William IV. for the King's privy purse? 60,000*l.*; for the salaries of the household 130,000*l.*—less by nearly 1,000*l.* than the grant to the present Queen; for tradesmen's bills 171,500*l.*, again 1,000*l.* less than the present civil list; and for royal bounties and charity 13,200*l.*; without any unappropriated moneys, which in the new list amounted to 8,040*l.* The total amount therefore, of William IV.'s civil list was as nearly as possible 10,000*l.* a year less than the present civil list. There was one feature, too,in the expenditure of WilliamIV., and he mentioned it to his honour: the civil list that had been voted was sufficient for his whole reign, and when he died, after having received the three millions that had been voted, there was a sum of 14,000*l.* unexpended, and not one shilling of debt. It stood recorded in the report of the Committee, and it was so extraordinary an act, looking at the custom of all preceding kings, that he thought it merited every honour. He hoped that it would obtain honour, because he trusted that he should live, at the end of seven years of the expenditure of the civil list of Queen Victoria, to see it equally well applied, and to find that her Ministers would not connive at any proceeding in which her character might be involved; for involved it would be, if she should be advised to incur any expenditure beyond what Parliament had allowed. He for one did not fear that such would be the case. Her Majesty then had 10,000*l.* a year more than William IV. That King was enabled to conduct every part of his establishment without incurring any debt, and what warrant was there for the House granting any addition to that sum? He had in his possession three petitions, which stated distinctly that in the present state of the country 385,000*l.* was ample, if not too much. How many poor families would that amount keep! How many might be provided for out of the allowances to the royal family! The petitioner said that 385,000*l.* would provide for 18,333 families; and that the 260,000*l.* bestowed on other branches of the royal family would provide for 12,380 families; and if they added the present proposal of 50,000*l.* not less than 33,000 families, with 142,943 souls, could be kept out of the sums which the royal family would then cost. During the last year of King William's reign, the sums granted for the other branches of the royal family reached only to 171,000*l.* a year: the allowances were for the King of Hanover, 21,000*l.*; for the Dukes of Sussex and Cambridge, 21,000*l.* each; for Prince George of Cumberland, 6,000*l*; for Prince George of Cambridge, 6,000*l.*; the Princesses Augusta, Mary of Gloucester, Elizabeth, and Sophia, 13,000*l.* each; the Duchess of Kent and Princess Victoria, 22,000*l*; Princess Sophia of Gloucester, 7,000*l.*; and the trustees of Prince Leopold, 50,000*l.*—making a total of 206,000*l.*: and deducting the 35,000*l.* a year repaid by Leopold's trustees, the actual amount would be 171,000*l.* Now, however, they had to add the allowance to the Queen Dowager 100,000*l.*, and the increase to the Duchess of Kent, from 22,000*l.* to 30,000*l.* and there was chargeable on the Consolidated Fund 295,000*l*, a year for the different branches of the royal family; and if they deducted Leopold's repayment of 35,000*l.* the balance actually paid was 260,000*l.* a year; and if they added this to the Queen's grant of 385,000*l.* a year, the whole amount now paid was 645,000*l.* a year, being more by 62,000*l.* this year than in the former reign. If they further added the proposed allowance of 50,000*l.* a year to Prince Albert, the whole amount would be 695,000*l.* a year. Was that a niggardly allowance? Was there not besides an income arising from the Duchies of Cornwall and Lancaster, which if properly managed, would produce at least 30,000*l.* a year additional, but which was taken up at the present moment in paying sinecures? Then there was 17,000*l.* a year as pensions to old servants, and 98,000*l.* a year for what were formerly the civil list pensions; with expensive palaces and parks. Was this the time when they wanted any new elements to stir up strife? Was this the time when they saw discontent raging, that they should propose a large grant? For himself, he would rather withhold any vote; but at any rate let it not exceed the vote for the Duke of Sussex and the other royal Dukes. If they were able to maintain their establishments with the sums yearly voted, surely Prince Albert could manage with that amount. He was told of necessary officers of his establishment; but he held in his hand a return, in which it was stated that the sums paid by William 4th. to the gentlemen in the Lord Chamberlain's department were not less than 30,000*l.* a-year; and when he had first heard of that amount, he had thought that many superfluities might be dispensed with without derogating from the dignity of the Crown or the comforts of the Sovereign. The salaries of the Lord Steward's department were 8,323*l.* a year; the salaries in the Master of the Horse's department were 12,415*l.*; and in that of the Master of the Robes 850*l.* He therefore said, that he could point out to the House where the attendances could be obtained without the grant of one farthing for the support of fresh officers. He found that in the Lord Chamberlain's department there were a lord chamberlain, a vice-chamberlain, eight lords in waiting, and eight grooms in waiting, with salaries exceeding 10,000*l.* a-year. Would any man tell him that these eighteen individuals were all required for attendance on her Majesty? Was it possible that sixteen lords and grooms in waiting could be necessary? They ought to be made useful in their vocation, and not to be left as mere matters of patronage for high families. If this were done, surely there might be found at least two out of the body to attend Prince Albert. He found also that 12,000*l.* a-year were given for the Corps of Gentlemen-at-arms, and for the Yeomen of the Guard. And there were besides salaries of officers which were to fall in at the death of the holders, in the Lord Chamberlain's department to the amount of 4,358*l.*, and in the Lord Steward's department of 3,871*l.* which ought long since to have ceased. With such an establishment, when multitudes were in want of food of the simplest kind, was it possible that comparisons would not be made by the people to the disadvantage of the Royal Family? If he turned to the department of the Master of the Horse, he found that there were, besides the chief, four equerries and four pages of honour, costing together, not much less than 7,000*l.* Were not the horses in her Majesty's stables sufficient for Prince Albert? That being, in his opinion, the case, he held that there was no necessity, as there was no precedent and no ex ample, for this grant; and that whilst the country was overburdened with debt, and with the heavy amount of taxation and distress in the country, it was unwise to propose such a vote. If he rested for an account of the distress on the speech from the throne itself, he found that it had led to insubordination which had in some parts of the country broken out into open violence, which had been repressed by the firmness and energy of the magistrates, and by the steadiness and good conduct of the troops. He would rather that her Majesty had depended on the love and affection of the great mass of the people, for he did not like to see the military called in upon every slight dread; but whether they looked to what had taken place at Monmouth, in Yorkshire, at Sheffield, or even within this Metropolis, he could not refrain from asking if it were wise to add any element to the discord? And especially ought not the House, before it agreed that this sum should be paid, to consider how it could be paid, and how the public voice would receive it? If they had 50,000*l.* to spend, how many better ways could they find of disposing of it? Had there not been strong contrasts drawn between the grant of 30,000*l.* for education and 70,000*l.* for the royal stables? Had not this been a prominent topic at all the meetings of the lower classes? And if they now gave the the 50,000*l.* a-year to Prince Albert, would they not hear of it again and again? 50,000*l.* a-year would establish schools and museums and libraries in many large towns, to promote the improvement of the people; and it was only by promoting their improvement that they could hope to maintain peace. If such an opinion existed in this country, he would put it to the House whether it was politic to assent to so large a proposal, and whether they ought not rather to effect all possible reductions, particularly at the head to which all classes looked with regard? It was impossible for the Queen to be aware of what passed in the country; it was to her Ministers that she must look for information and advice, and it was upon the Ministers that the House must throw the blame. These were his reasons for opposing the proposed grant, and he would not detain the House longer than by saying that no precedent existed; and they ought, in his opinion, during her Majesty's life, to make no grant; but as he was at all times anxious to bow to the opinion of others, and as the general feeling was that a sum equal to that granted to the Duke of Sussex should be voted, he would propose that amount; and how, after the vote of the last Session, any man could assent to a larger vote than 21,000*l.* he was at a loss to conceive, although he had heard that if her Majesty's Ministers had proposed 25,000*l.* or 30,000*l.* a-year no objection would have been made. No man could vote for this grant of money without being prepared to lay taxes on the people; and if this were the case, he should like to know how the country could bear them? The hon. Member concluded with moving that a grant of 21,000*l.* be made to her Majesty for Prince Albert of Saxe Coburg and Gotha, instead of 50,000*l.*

Mr. *William Williams*, seconded the motion. Under any other circumstances in the country, he should have considered it to be his duty to oppose such a lavish grant as that of 50,000*l.* a year, because it was not only uncalled for, but because it was an extreme waste of the public money; but if they looked to the state of distress prevailing throughout the country, and the miserable situation to which millions of the population were placed, and the reduced condition of the merchants, manufacturers, and traders, and the embarrassing state of the finances, he trusted that the House would not sanction such a vote. Before the House proceeded to any vote, he thought that it should have some satisfactory explanation from the Chancellor of the Exchequer, how the money was to be raised. Did the right hon. Gentleman mean to borrow the money, and add it to the enormously heavy debt that pressed upon the country at present, or did he mean to raise the amount by additional taxes? If he meant to plunge the country deeper into debt by borrowing the amount he should at once say so; but if he meant to impose fresh taxes, he should at once inform the House upon what articles he intended to lay them. If such a tax was to be imposed upon an article of consumption used by the poor as well as by the rich, he did not anticipate any very serious objection on the part of that House; but if it was to be raised by means of a tax on property, there would be a very different feeling manifested on the part of the House, and the outcry would be general. He trusted that full and satisfactory explanations would be given on these points, before the House was called upon to vote away

50,000*l.* a year. His hon. Friend (the Member for Kilkenny) had adverted to the enormous expense of the Royal Family to this country; but he believed that his hon. Friend had underrated the charge, and had omitted several important items. He would advert to one which had not been mentioned; namely, the average expense of the parks and palaces, which amounted to 85,000*l.* a year. His hon. Friend had also forgotten to mention the large sums paid in the shape of pensions to the servants of deceased kings and queens, and also the large grants that had been made for the repairs of the several royal castles and palaces. An hon. Member opposite asked on a former night what was the income of Prince Albert, and the noble Lord the Secretary for the colonies did not give an answer; but, if public reports were true, it was not very large. He must be a person of a very strong intellect indeed who could bear an expenditure of 350,000*l.* a year with his consort, together with the revenues of the Duchies of Lancaster and Cornwall, together with 50,000*l.* a year for pocket money, and a number of palaces and castles, which were sufficient to affect the understanding of any young man. The noble Lord, as well as every one else, admitted that great distress existed throughout the country at the present time, but he said that he did not think that that was a sufficient excuse for delaying the making a satisfactory settlement on Prince Albert. He thought that these were reasons which should weigh with the House and with the Government. The noble Lord said, that he believed that the distress was only temporary. He (Mr. Williams) should be glad to hear the reasons for such an assumption. If this opinion was just, and was founded on anything like a good ground, it would gladden the hearts of millions of the people of this country, who now saw no immediate or speedy prospect of improvement. He believed that there was nothing to justify such an inference, and that nothing but an interposition of Providence could remedy the present state of distress. He would ask the noble Lord whether the famous Reform Bill, which he had introduced, and which was to lead to such beneficial results, had not been chiefly supported on the belief that it would lead to an economical and better Government? but really the present proposition was quite as bad a one as any that could be proposed to an unreformed Parliament. The people supported the Reform Bill in the belief that they would have a cheaper Government; but so far from that having been the case, they were endeavouring to carry votes which the unreformed Parliament, however extravagant, would hardly ever have sanctioned. They had been told that great disaffection prevailed throughout the country, and what was the cause of this?—it was that the people were overtaxed, and their burdens were so heavy that they could not bear them, as they had taken from them, by one way or other, more than one-half the fruits of their labour and industry. The noble Lord was much deceived if he thought that acts of extravagance like that now proposed could satisfy the people; on the contrary, they would only regard it as a mocking of their distress. Such a proceeding as the present engendered disaffection, and made it spread throughout the country. He believed that the people of this country were warmly attached to monarchical institutions; but such conduct as had been pursued with regard to the present subject had tended much to alienate the feelings of the community. He trusted before the House sanctioned such an extravagant vote as the present, that it would, however, pay attention to the distress which prevailed throughout the country.

Lord *Eliot* felt that as the House had already assured her Majesty, in answer to her gracious speech from the throne, that it would provide for such an establishment as might appear suitable to the rank of the Prince and the dignity of the Crown, the only question was, whether the proposition of the noble Lord was an adequate provision for the purpose proposed. The hon. Member for Kilkenny thought that it was too much, and had proposed to reduce it from 50,000*l.* to 21,000*l.* a-year. It would be for the noble Lord to answer the statement made by that hon. Gentleman; for his own part, he did not agree in the arguments that were adduced, and he could not support the amendment of the hon. Member. But while he admitted this, he felt that he was called upon to deal with this subject fairly and openly. It had been stated, and as he thought shewn, by the hon. Member for Kilkenny, that the civil list of her Majesty was 10,000*l.* a-year more than the civil list during the last reign. In dealing with the present question, he thought that it should be regarded in two points of view: first, as the proposed income to Prince Albert while Consort to her Majesty: and secondly, his income if he should happen to survive her Majesty. The noble Lord had drawn a parallel between the position of the husband of the Queen, and of the Queen Consort. Now he thought that this parallel would not hold good. He believed that the Queen Consort had a constitutional *status*, and if not by law, at least by usage, she was bound to maintain a considerable number of great officers; such, for instance, as those of her Attorney and Solicitor-general, the Lord Chamberlain, her ladies of the bed-chamber, and other similar appointments, the salaries for which amounted to upwards of 24,000*l.* a-year; and there was also a charge of nearly 10,000*l.* a-year for the Queen's stables—making together the charge of 34,000*l.*, and which deducted from the allowance to the Queen Consort of 50,000*l.* a-year, left a fund at the Queen's disposal of from 15,000*l.* to 16,000*l.* The noble Lord, as he understood, said that out of this grant of 50,000*l.* a-year to Prince Albert, deductions to the amount of 8,000*l.* should be made for salaries to his household; allowing 7,000*l.* more for his stables, there was left an income at the disposal of the Prince, amounting to 35,000*l.* a-year. Far be it from him to suppose that any improper use would be made of this income; but he recollected that a late distinguished leader of the party to which the noble Lord belonged, namely, Mr. Whitbread, stated that it was the duty of that House to make such grants that it was not possible that an improper use should be made of them, such as he had alluded to. It was impossible for him to speak of the Prince who was the subject of this grant, from any personal knowledge; and from all he heard, he believed it was impossible to speak too highly of him, but he would seriously ask, whether the sum now required was requisite for the station that he would have to fill in this country? He wished not to indulge in any *ad captandum* expressions of loyalty, or affection to the Throne; for he believed that these feelings of attachment and respect to the Sovereign were entertained by all of them; nor would he, on the other hand, make any appeal to the distress that prevailed in the country, with the view of reducing the grant; but he could not help feeling that, as regarded the situation of the Prince during the joint lives of her Majesty and himself, it was a matter of great danger and difficulty that the Prince should have a large separate income. They should look at this matter as they would look at any other marriage settlement, where it was necessary to consult all the probable circumstances that might arise. If, then, it should happen that it should please God to deprive the country of its Queen, and the Prince of his Consort, and that there should, unhappily, be no offspring, the ties and associations which bound the Prince to the country would be very much relaxed, and he might naturally desire to return to the land which gave him birth; thus the country might be burdened with a charge of 50,000*l.* a-year for a long period, which would be expended abroad. This was also a ground which would operate with him to prevent his acceding to the noble Lord's resolution, as it was then proposed, but he trusted that in doing so, his conduct would not be open to misconstruction. The noble Lord should not forget that his friends had opposed the grant which had enabled the Duke of Kent to contract the marriage of which her Majesty was the issue. He did not object to a liberal and handsome income being settled on the Consort of her Majesty, and looking to the *status* of the Prince in the country, and the difference there was between his position and that of the Queen Consort, he thought that they might safely give less to him than was proposed. With these feelings he thought that the amendment which had been suggested by the hon. Member for Lincoln, seemed to meet the case entirely, that amendment having the effect of giving to the Prince 10,000*l.* less in amount, than the privy purse of the Queen Consort, instead of 10,000*l.* a-year more, as proposed by the noble Lord: and, therefore, when the hon. and gallant Member proposed it, he should give it his support. In the meantime he should vote against the amendment of the hon. Member for Kilkenny.

The *Chancellor of the Exchequer* was understood to state, that before he proceeded to allude to the speech of the noble Lord, he would advert to one or two points that had been dwelt on by his hon. Friend the Member for Kilkenny. His hon. Friend said, that he never heard of an instance of a grant being made to the consort of a Queen regnant in this country. His hon. Friend, however, overlooked the grant made to the consort of Queen Anne of 50,000*l.* a-year. The hon. Gentleman spoke as if a grant of this kind was then voted in the civil list, but he was sure that the majority of the House must be aware that the revenue of the Crown was then formed of the hereditary revenues, and the Parliament made other grants in addition for each reign, which were derived from certain taxes. This was before the Crown surrendered its hereditary revenues, and accepted in lieu thereof, a civil list. It was quite true that her Majesty was in a very different situation from that of Queen Anne, as she had given up all her hereditary revenues at the commencement of her reign, and came to that House to request that a liberal provision should be made in such a peculiar case as the present. This was the proper and constitutional mode of proceeding, and he would appeal to any hon. Gentleman whether any party, high or low, ever wished for the command of these incomes more strongly than when about to make provision for a party with whom an attachment had been formed. He trusted, therefore, that the fact that Queen Anne made the provision for her consort out of the hereditary revenues of the Crown would not be made an argument against the present proposition. With respect, then, to the statements made by his hon. Friend who proposed the amendment, and by the hon. Member who seconded it, he would only call their attention to the case which he considered a precedent of this, as the grant was made under nearly similar circumstances. He alluded to the case of Prince George of Denmark, who had an annuity settled on him of 50,000*l.* a-year, independent of the will of the Crown; and by an act of Parliament of that day, it was enacted that if the Prince should survive her majesty Queen Anne, that he should have a pension of 100,000*l.* a-year, and her palaces for life. Again, in the case of Queen Caroline, the Queen of George II., the same course was pursued, and a grant was made to her of 50,000*l.* a-year during the life of George II., and a revenue of 100,000*l.* if she should survive that monarch. In the case also of Queen Charlotte, the Queen of George III., there was a grant of 40,000*l.* for the first year, which was shortly afterwards increased to 50,000*l.* a-year, and a few years afterwards an additional grant of 8,000*l.* was made, making together 58,000*l.* a-year. In the case of Queen Adelaide, the sum of 50,000*l.* a-year was granted during the life of the late Sovereign, and 100,000*l.* a-year in case of survivorship. He had forgotten to mention that the Queen of George IV. had also a grant of 50,000*l.* a-year. It was, therefore, evident that the proposal now made for a grant was less than had been made in the former similar case to the present, and also than the grants to each Queen in circumstances analogous to the present. But the hon. Gentleman and the noble Lord had stated that the civil list of her present Majesty was 10,000*l.* a-year more than was voted in the last reign: there was no doubt that 10,000*l.* was charged on the civil list which was formerly not there, but the charge previous to the present reign was made on the consolidated fund This, then, was not an additional charge on the civil list, but merely the transference of a charge to it, which was paid from another source. It was taking a very superficial view of the case to suppose that any surplus that might arise from the civil list in former times, was at the disposal of Parliament; on the contrary, if there was any saving under one head it was left at the disposal of the Crown; and if the large pension list which was formerly voted was not filled up, the amount was expended at the will and pleasure of the Crown. The House would also recollect, that when the civil list was restricted as regarded the granting of pensions, that many claims for allowance and compensation were made to the Crown, which could no longer be supplied from this fund; it therefore threw some additional burden on the other items, and particularly the privy purse. He did not mean for one moment to say that there was anything improper in restricting the civil list in the manner in which it had been restricted, but the circumstances which he had mentioned, made it necessary that relief should be afforded by the private benevolence of her Majesty instead of out of the fund. He would not go into anything like a statement of the claims on the privy purse, but he might be permitted to say, that they were not only large in themselves, but had been increased by the alterations which the House had very properly made in the constitution of the pension list. Allusion had been made to the revenues of the duchies of Cornwall and Lancaster, but these were received by the Crown during the last reign as well as during the present reign. And if it should happen that an heir to the Crown should be born, the Crown would instantly be divested of the revenue from this source, and until the heir was of age the income would be paid into the hands of trustees, and the Crown would cease to have any control in the matter. Praise had very properly been bestowed on his late Majesty William IV., for having left a surplus of income derivable from the civil list, there being also no debt or charge on that fund. He believed that nothing was more degrading to the Crown, than the incurring an accumulation of debt on the civil list, which in former reigns the House had often been called upon to find means to liquidate. He was satisfied, if they wished to prevent the Crown from being involved in debt, the best course that could be pursued was to place those who were charged in the civil list in such a situation, as to render them independent, and not likely to incur debts. He thought, therefore, they should at once freely make a liberal grant to the sovereign, and thus take care that there was no necessity to make those constant applications to the generosity of Parliament which were formerly so repeatedly made. They should declare at once what they were prepared to give, and declare that they would not alter that amount. With respect to the allowance proposed for Prince Albert, he thought that the House might be satisfied that he would keep within that income. The noble Lord said that 30,000*l.* would be nearer the proper sum to grant to the Prince Consort, and that the expenditure for state purposes, which would be chargeable on the Prince's income would be comparatively small. He did not believe that it would be possible to state what would be the actual expenditure that would fall on Prince Albert on this ground, but so far as precedents furnish an example, and as far as they had experience from former analogous settlements, he did not think that the House would be induced to consider the amount of income proposed for Prince Albert was too much at present. He did not believe that the expenses of the Prince Consort would be very different, or the charges less than those to which the Queen Consort was liable. Under these circumstances, he trusted the House would agree to the proposition of his noble Friend.

Lord *Eliot* afterwards observed, that he had omitted to say, that if the Prince should be left the father of the sovereign and of a royal family, the case would be quite different, and that 50,000*l.* a-year might be not only not an exorbitant, but an inadequate income. His necessary expenditure would thus be large; but he felt sure, that under such circumstances, the Parliament of the day would make ample provision for the maintenance of his dignity.

Mr. *Liddell* said, he was anxious not to give a silent vote on this question. He wished to express his full concurrence with what fell from his noble Friend, and to declare that he was willing to vote in accordance with the Address of the House for a liberal allowance to the Crown. He was ready to confess, that he believed the Government thought they had proposed a grant which was not too liberal, and which would not be regarded by the country as an extravagant one. While, on the one hand he was as desirous as any man to show his attachment to the Crown, on the other he felt compelled to have regard to the necessities of the people, and to take care not to vote away the public money with too liberal a hand, unless a case of necessity should be made out for extended gifts. It, therefore, appeared to him that the motion intended to be submitted by the hon. and gallant Member for Lincoln was one which would put the grant at the proper amount. He thought that the Chancellor of the Exchequer had failed to show that the larger sum of 50,000*l.* was the proper amount, and that the cases which he had quoted were not analogous to that before the committee. With respect to the case of a Queen-Consort, for instance, there was no analogy, for a Queen-Consort would be subjected to expenses from which Prince Albert would be entirely exempt. The noble Lord, the Secretary of the Colonies, had shown that the state expenses of the prince would not amount to much above 8,000*l.* a year, so that with a less allowance than that now proposed, there could be no danger of his being involved in debt, a condition which the right hon. the Chancellor of the Exchequer had deprecated as distressing to the Crown, and disgraceful to the country. Seeing that the royal Dukes themselves received no more than 21,000*l.* a year, it was not too much to say that 30,000*l.* a year would be a liberal and adequate allowance to the Prince. A good deal had been said of late upon the privileges of that House, and he had heard of an hon. Member, in the exercise of his privilege as a Member say, in rather strong terms, "if you wish to sow dissention between the Queen and Prince Albert, make the provision so large that it will be difficult for them to find the way to spend it." He was hardly prepared to go so far as that, but this much he would say that it required very little knowledge of human nature to see how likely it was that unbounded wealth, with little or no responsibility, would lead to great excesses. That was a sentiment by no means novel, but had been embodied by Pope in the couplet,

> " But Satan now is wiser than of yore,
> " And tempts by making rich, not making poor."

But he would not attempt to draw a dark picture, he would rather turn to a brighter prospect. Whatever the amount granted, whether smaller or larger than that now proposed, he would say to Prince Albert— The people will look with much more anxiety to the manner in which the grant will be expended, than to the extent of the grant itself. It might be—and he hoped it would prove to be—that the young prince who was now about to set foot on these shores, with so high a destiny before him, had considered somewhat of our political, and local, and ecclesiastical distinctions; that he had informed himself of the spiritual and ecclesiastic wants of the people of this country; and that he was disposed to assist the efforts that were made to provide the people with a system of sound learning and religious education. He hoped that the young prince would direct his thoughts to the condition of those who were steeped in poverty and ignorance in this country, and that he might be prepared to contribute to the support of the various hospitals and institutions which were opened for the relief of disease and distress, as well as to the promotion of those arts and scientific pursuits which embellish and sustain civilization. Above all, he trusted that he would support those institutions which at this moment were the glory of our Protestant constitution. If the prince would do that, and he hoped he would, the people would not grudge what they gave, but they would welcome the day that brought him to our shores. In conclusion he would say, he trusted that this union, which had been sanctioned by policy, and, as he understood, had been commenced in affection, would produce happiness and peace.

Mr. *Ward* said, that it was evident that a very strong feeling prevailed on this subject, on both sides of the House; therefore he thought it incumbent upon every hon. Member to state his reasons for the vote he intended to give. Some hon. Gentlemen might indeed be contented if they gave a silent vote; but that could not be the case with him. He thought the right hon. the Chancellor of the Exchequer had failed to make out a case in support of his motion. He quite entered into the feelings which the right hon. Gentleman had expressed as to the wish which might be entertained, that so high a person in these realms should be most liberally provided for. But the cases advanced by the right hon. Gentleman were not in point. The circumstances of the country had been much changed since the time of Queen Anne, and the arguments of the right hon. Gentleman had the great fault of proving too much, because they were as conclusively in favour of granting 100,000*l.* as 50,000*l.* Then as to the precedent of Prince George of Denmark, that was a precedent against the right hon. Gentleman, because no separate establishment at all was voted for that prince. In the first instance, the sum of 32,000*l.* was voted, and it was subsequently raised to 50,000*l.*; but no independent establishment was provided for the prince, though there was a provision made for him, in case he should survive the Queen. He much wished that the House could have come to an unanimous vote on this question; and if unanimity had been possible, he should certainly not have taken any course which would disturb it. He had a strong feeling that 30,000*l.* should be the *maximum* of the grant. Considering that Prince Albert would share every comfort and luxury in this country with the Queen, he could see nothing to justify the House in adding 50,000*l.* for his private establishment. The noble Lord, the Secretary for the Colonies, had told the House that his personal expenses would barely exceed 8,000*l.* a year. He could not tell why they should exceed 1,000*l.* But, supposing the statement of the noble Lord to be true, still there would remain much more for the state expenses of the prince than any Queen-Consort had received; for it was stated, that in the last instance, after paying personal expenses, the Queen Consort had just 18,000*l.* at her disposal, whereas the balance in favour of Prince Albert would be 42,000*l.* He was opposed to so large a grant, because he feared it would prepare the way for greater extravagance. He did not think a free expenditure of the public money necessary to uphold the dignity of the Queen and the Prince: their greatness would depend rather upon the affection and attachment of the people, than upon the tinsel and trappings of royalty. He should vote, then, for the amendment. If that were not carried, he should vote for the other, which he understood would be proposed by the hon. and gallant Member opposite, because he was convinced that 30,000*l.* rather than 50,000*l.* ought to be the sum. He only wished that the House could avoid the apparently ungracious task of refusing the grant proposed by her Majesty's Government.

Mr. *R. Palmer* admitted that there was some difficulty in saying what precise amount would be granted under the circumstances, but he believed it was pretty generally felt, that a grant of 50,000*l.* would be extravagant. The noble Lord, the Secretary for the Colonies had alluded to the case of the Princess Charlotte and Prince Leopold: but he thought that was not a case much in point, inasmuch as they had 60,000*l.* a year, and with that they provided two establishments, one in the country and the other in town, as well as all the comforts and luxuries proper for their high station. But for Prince Albert, every thing appeared to be ready provided in the way of domestic accommodation and attention. The noble Lord had estimated the private expenses of the prince at about 8,000*l.*; therefore 30,000*l.* would be a sufficient allowance. He had heard, in conversing with others in and out of doors, that 50,000*l.* was considered a very large sum, and he was determined to vote for a grant of 30,000*l.*

Sir *R. H. Inglis* could not agree with the view taken of the question by the hon. Member for Durham, and as he was unable to join him in opposition to the motion, he would briefly state the grounds of his vote. The right hon. Gentleman the Chancellor of the Exchequer had said, that he would not enter into the details of the expenses which might be incurred in charities or acts of benevolence, or what might be the additional expense incurred by her Majesty's union with Prince Albert. In this he fully agreed with the right hon. Gentleman; for he thought it hardly fair to the Sovereign, that any such details should be gone into, after the money had been voted in the civil list. The argument of the hon. Member for Kilkenny was a strange one, and his suggestion not less so. He said, that as we had an admitted deficiency in our revenue, the expense incurred on the present occasion should be raised by a tax on Peers and Baronets. He would say rather, that it should be borne by those who had voted for the new penny postage. As to the objection that there was a deficiency in the revenue, it would apply as much in principle to a grant of 21,000*l.*, as it would to either of the two other sums mentioned. The grounds on which he would go in supporting the sum of 50,000*l.* proposed by the noble Lord were —that the Crown had made a very improvident bargain with the country, in the exchange of its hereditary revenues for the sums voted in the civil list; and when that fact was stated to the House, he thought he had a right to call on them to pause before they refused the grant now proposed by the Ministers of the Crown—considering the great advantage which the country had gained by the bargain to which he had adverted. He repeated, that the bargain made with the Crown, in 1760, in the transfer of its hereditary revenues in lieu of the civil list, was advantageous to the country. The returns which had been made to the House on the subject would put this beyond all doubt It would be seen by those returns, that the amount of the hereditary revenues from the year 1760 to 1837, was not less than 116,000,000*l.*, and that the whole of the sums voted as civil list in the same period, did not exceed 65,000,000*l.*, shewing a saving to the nation in that period of 51,000,000*l.*; and if this sum were divided by the seventy-seven years during which the bargain had continued, it would show an annual saving to the public of 662,323*l.* by the effect of the several civil list acts since passed. The hon. Member for Kilkenny had said, that the grant now proposed would give bread or food to a certain number of poor persons. That he must call a sophistical as well as a dangerous argument. It was sophistical, because it was well known that the sums voted for the Princes of the Blood were also the means of giving bread to many poor persons. It was a dangerous argument, because the same principle would apply to every Gentleman in or out of the House. He would now say a word as to the precedent which had been mentioned—that of the case of Prince George of Denmark, the consort of Queen Anne. Let it be borne in mind, that that was a grant of 50,000*l.* a year made by Queen Anne to the Prince, she being then in possession of the hereditary revenues of the Crown; and let him ask, did any one doubt, that if her present Majesty were now in possession of the hereditary revenues, she would make a similar grant to Prince Albert? He would not say, that the House was necessarily bound to this grant because of the bargain that had been made with the Crown, but considering the advantage which the country had gained by that bargain, he thought when the Crown asked the grant it ought not to be refused. Under all the circumstances, seeing that he differed from the motion of the hon. Member for Kilkenny, and could not concur in that of which his hon. and gallant Friend (Colonel Sibthorp) had given notice, he had no alternative but to vote for the original motion of the noble Lord.

Mr. *Goulburn* said, that as he had asked the noble Lord to allow some short interval to intervene between the announcement of the amount of this grant and its actual proposition for the adoption of the House, he considered himself bound to state the effect which that proposition had upon his mind, and to explain his reasons for the vote he should find himself compelled to give. The grant, he considered, which that House ought to make, should be measured by what, under the circumstances, would add to the dignity of the Crown, and so far he thought that the noble Lord had justly laid down the principle on which the House ought to proceed. The noble Lord had also laid down another principle in which he agreed—viz., that we could form no better measure, with regard to this question, than by looking at the amount which was given to the consort of the King in the preceding reign. A discussion of this nature was, of course, one in which they were precluded from going into all unnecessary details, such as those relating to the private expenses of the Royal Family. Such was the plan which had been followed on former occasions. In arranging the civil list with reference to Prince George, the Government of Queen Anne took into consideration that of King William and Queen Mary, and that arrangement was made without the sanction of Parliament, and within the walls of the palace itself. If they had now been called upon to provide a civil list, the question was, would they give an amount equal to the existing civil list, together with the sum of 50,000*l.*? He did not think they would—he did not think that the House would ever consent to such a proposition. At the close of the reign of King William the Fourth, this whole subject was thoroughly examined, and it was then agreed on all hands that the grant which had been made to King William, and his consort Queen Adelaide, was amply sufficient, not only for the maintenance of the Royal comfort and dignity, but for the purpose of Royal hospitality. So completely sufficient was it, indeed, that not only was there no debt occasioned by the Royal establishment, but, on the contrary, there remained a surplus over the expenditure of several thousand pounds. He must say that if they looked at the precedents and circumstances of past reigns, and gave an amount that would be equal to the double civil list of William the Fourth and Queen Adelaide, they would do all that either justice or liberality could require of them—they would do all that was necessary to uphold the Royal comfort and dignity, and even splendour, and the reasonableness of such a course was, he submitted, apparent on the face of it. Now, he should take the liberty to compare the two civil lists, the civil list of her present Majesty and that of her immediate predecessor, William the Fourth. It was notorious that the civil list of William the Fourth was fixed at 510,000*l.* From this amount, however, they were to deduct pensions to the amount of 75,000*l.*, and a sum of 10,000*l.* for secret service money. These two sums, then, made together 85,000*l.*; and if that amount were deducted from the 510,000*l.*, it would leave 425,000*l.* as the sum available for the double civil list of King William the Fourth and Queen Adelaide. In the first place, they had made to her present Majesty Queen Victoria, a grant of 385,000*l.*, and if they were now to give 50,000*l.* for the separate establishment of Prince Albert, in addition to the present civil list, the consequence would be that the present double civil list would amount to 435,000*l*, whereas that of William the Fourth was only 425,000*l.* Here, then, was an increase of 10,000*l.*; but the House would be in error if they supposed that the double civil list of Queen Victoria and Prince Albert would exceed that of King William IV. and Queen Adelaide only by a sum of 10,000*l.* He was prepared to show that the excess would be 10,000*l.* beyond what he had stated. The advance of the civil list of Queen Victoria was a positive excess of 10,000*l.*, and a further sum of 10,000*l.* in money was gained by her Majesty in consequence of the diminution which had taken place in the charges on the civil list. It would be in the recollection of hon. Members, that the committee who had sat upon this subject, thought that, although it would not be then expedient to reduce the income of her Majesty, conceiving that it was not more than adequate to the maintenance of the comfort, dignity, and splendour of the Crown, they yet considered that some reductions might be effected in the salaries of the great officers of State. The Chancellor of the Exchequer of that day, Lord Monteagle, announced to the House that the Government were prepared to reduce the salaries of the great officers of State, so as to effect a saving to the civil list of 10,000*l.* The right hon. Gentleman then said—

> "It will be in the recollection of the House that, on the occasion of the reference of this subject to a committee up stairs in 1830-31, certain reductions were recommended on the salaries of the great officers of the Crown. They did not amount to any very considerable sum. I believe they amounted to 10,000*l.* This is a comparatively small sum, but they were considered to be important in point of principle. After a deliberate discussion, and upon the best view that could be taken of the subject by the Government of the day, it was not considered expedient to carry those reductions into effect, and the total sum was voted. Sir, I shall not go back to the arguments that were used on that occasion, but I consider the present affords a fitting opportunity of reconsidering the salaries of these great officers of State. Sir, I was a member of that committee, and the recommendations which were then given with respect to the salaries of the great officers of State were recommendations which at that period met with my assent, although it was not considered expedient to carry them into effect on that occasion. But I have now to announce to the House, that with respect to those reductions in the salaries of the higher officers of State, the Lord Chamberlain, the Master of the Horse, the Lord Steward, it is my intention to propose a reduction in the amount of those salaries to the full extent which was recommended on that occasion by the committee up stairs. Sir, we have had angry discussions in the House on this subject, both at the time and since; but I hope those Gentlemen who differed with me on that occasion, and who endeavoured to persuade us to carry the recommendations of the committee into effect, will now be satisfied with the course adopted. There are other reductions which we propose to make in respect to some of the lesser officers of State, in reference to whom we shall accomplish nearly the same object, though not in the same way. In their case we propose a reduction by numbers instead of in the amount of their salaries. As to the great officers of state, we propose to make a reduction of 1,085*l.* in the salary of the Lord Chamberlain; 436*l.* in the salary of the Lord Steward; 850*l.* in the salary of the Master of the Horse. The office of the Groom of the Stole is to be abolished. A reduction in the salaries of the Lords in Waiting will be made to the aggregate extent of 2,808*l.*; and these, with reductions in the salaries of the Master of the Robes and some minor officers, will make a total of 9,829*l.*"

So that, without infringing on the comfort or dignity of the Crown, a reduction to the extent of 10,000*l.* was effected. What prevented the public from obtaining the benefit of this reduction? It was a reduction to the advantage of which the public had a clear right, and the reason they did not get it was, because it was deemed neceesary for the change which had taken place in the establishment of the Queen. He had, therefore, a right to say, that they gave to Queen Victoria 20,000*l.* more than the civil list granted to King William IV. and Queen Adelaide; and what he now contended for was, that the present civil list should be commensurate with the former, and should not exceed it. Under these circumstances, he did not see how he could do otherwise than support the motion which he understood his hon. and gallant Friend (Colonel Sibthorp) was about to submit to the House, because, if they made a provision of 30,000*l.* for Prince Albert, it would have the effect of equalising the present double civil list with that enjoyed by her Majesty's predecessor and his Royal consort. The Chancellor of the Exchequer told them that they could not consider the civil list without recurring to the subject of pensions, because, he said, there had been a saving on the head of pensions, which went in aid of the civil list, and caused a diminution in it as compared with the civil list of William IV. This, however, was not stated either in the committee of 1831 or 1838, when the whole subject was under consideration. No statement of the kind was then made, and he did not think the right hon. Gentleman would tell them that the surplus at the end of the reign of William IV. had been carried to her

Majesty's account; and, if it had not, ought not that circumstance to be taken into consideration when the two civil lists were compared? He had, therefore, a right to say, that the one exceeded the other by 20,000*l.*, and hence it was that he felt himself fully justified in voting that the civil list of Queen Victoria and her consort should be placed on the same footing as that granted to King William the Fourth and Queen Adelaide. Having said thus much with respect to the grant, he had only further to state, that he wished it had been possible for the noble Lord to have abstained from drawing any distinction between the income which Prince Albert was to enjoy during the life of her Majesty and that to which he was afterwards to be entitled. Nothing was more painful than a reference to contingent events of this kind; but, then, he knew how difficult it was to avoid such discussion without the Government taking upon themselves, as they ought to do, to guide the judgment of that House. Under some circumstances, the provision might be too great, but under others it might be too small; and, therefore, he wished this part of the subject had been altogether confided to the Government. The question of a jointure was a separate question, and should be so treated; but, without dwelling on this part of the subject, he would conclude by saying, that although he entertained every possible respect for her Majesty, and had the highest regard for the illustrious Prince who was to be her future consort, he still felt bound to pursue the course which had been adopted on former occasions, being convinced that in so doing he was acting according to the principles of liberality and justice, and with a due regard to the comfort, dignity, and splendour of the Crown.

The House divided on Mr. Hume's amendment: Ayes, 38; Noes, 305: Majority, 267.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Brabazon, Sir W.
Broadley, H.
Brotherton, J.
Copeland, Alderman
Darby, G.
Duncombe, hon. W.
Duncombe, hon. A.
Ewart, W.
Feilden, W.
Fielden, J.
Finch, F.
Godson, R.
Grimsditch, T.
Hamilton, C. J. B.
Hector, C. J.
Hindley, C.
Hughes, W. B.
Humphery, J.
Irton, S.
Jervis, S.
Leader, J. T.
Morris, D.
Parker, R. T.
Plumptre, J. P.
Protheroe, E.
Richards, R.
Salwey, Colonel
Sinclair Sir G.
Tollemache, F. J.
Turner, W.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Ward, H. G.
Wood, B.

TELLERS.
Hume, J.
Williams, W.

List of the NOES.

Acland, Sir T. D.
A'Court, Captain
Adam, Admiral
Anson, hon. Colonel
Anson, Sir G.
Ashley, Lord
Attwood, W.
Attwood, M.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baines, E.
Baker, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Viscount
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. G.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Blennerhassett, A.
Blewitt, R. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Bradshaw, J.
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brodie, W. B.
Browne, R. D.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Bulwer, Sir L.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, rt. hon. G. S.
Calcraft, J. H.
Campbell, Sir J.
Campbell, W. F.
Cantalupe, Viscount
Cartwright, W. R.
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, hn. G. H.
Chapman, Sir M.L.C.
Chapman, A.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Christopher, R. A.
Clay, W.
Clerk, Sir G.
Cole, Viscount
Collier, J.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Cripps, J.
Crompton, Sir S.
Curry, Sergeant
Dalmeny, Lord
Dalrymple, Sir A.
Davenport, J.
D'Eyncourt, rt. hon. T. C.
Dick, Q.
D'Israeli, B.
Donkin, Sir R. S.
Duff, J.
Duffield, T.
Duke, Sir J.
Dundas, F.
Easthope, J.
Eastnor, Viscount
Egerton, Sir P.
Eliot, Lord
Elliot, hon. J. E.
Ellis, J.
Ellis, W.
Evans, Sir de L.
Fellowes, E.
Fenton, J.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, J. M.
Gisborne, T.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, hon. Colonel

Grattan, H.
Greene, T.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hall, Sir B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt.hn.SirH.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heneage, G. W.
Herries, rt. hon. J. C.
Hill, Lord A. M. C.
Hobhouse, rt. hn.Sir J.
Hodges, T. L.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
James, W.
Jenkins, Sir R.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knox, hon. T.
Labouchere, rt.hon. H.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lemon, Sir C.
Leveson, Lord
Liddell, hon. H. T.
Lister, E. C.
Litton, E.
Lockhart, A. M.
Lucas, E.
Lushington, rt. hon. S.
Lygon, hon. General
Macauley, rt. hn. T. B.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Major
M'Taggart, J.
Mahon, Viscount
Martin, G.
Maule, hon. F.
Maunsell, T. P.
Maxwell, hon. S. R.
Mordaunt, Sir J.
Morpeth, Viscount
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Packe, C. W.
Paget, Lord A.
Packington, J. S.
Palmer, R.
Palmerston, Visct
Parker, J.
Parnell, rt. hon. Sir H.
Patten, J. W.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Philipps, Sir R.
Phillpots, J.
Pigot, D. R.
Pigot, R.
Pinney, W.
Planta, rt. hon. J.
Polhill, F.
Pollen, Sir J. W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Powell, Colonel
Power, J.
Powerscourt, Viscount
Price, Sir R.
Pringle, A.
Pryme, G.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Redington, T. N.
Rice, hon. E. R.
Rich, H.
Rickford, W.
Roche, E. B.
Roche, W.
Round, C. G.
Round, J.
Rumbold, C. E.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hon. A.
St. Paul, H.
Sandon, Viscount
Sanford, E. A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheppard, T.
Sibthorp, Colonel
Smith, R. V.
Smyth, Sir G. H.
Somers, J. P.
Somerset, Lord G.
Somerville, Sir W. M.
Standish, C.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Stormont, Viscount
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Surrey, Earl of
Sutton, hn. J. H. T. M.
Talbot, J. H.
Talfourd, Serjeant
Tancred, H. W.
Tavistock, Marq. of
Teignmouth, Lord
Thornely, T.
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vigors, N. A.
Villiers, Viscount
Vivian, Major C.
Vivian, J. E.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wall, C. B.
Warburton, H.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Wilde, Serjeant
Williams, R.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, Sir T. E.
Wood, C.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Steuart, R.

Colonel *Sibthorp*, on the original question being again proposed, rose to move an amendment. The course which had been pursued by her Majesty's Ministers, he said, had imposed upon him a most ungracious and, at the same time, a most painful task. He, however, merely performed his duty; and although it might perhaps be alleged against him that he was the personal enemy of the Queen, he must deny the justice of any such accusation, and appeal to the years which he had spent in defence of his country and the rights of the Crown in his own vindication. He defied any one to say that he had ever been guilty of disrespect to her Majesty, or that any expression had ever escaped from his lips which was derogatory to the dignity of the Crown or anything connected with the throne. He had, however, a duty to perform, and, as one of the representatives of the people, he could not shrink from discharging that duty. He had been relieved by what had fallen from the hon. Member for Kilkenny, and from his right hon. Friend the Member for the University of Cambridge, from the necessity of entering into the details of the subject, and he could only say that such a relief was most grateful to him. Now, with regard to the statement of the noble Lord, he must say that he thought the noble Lord had signally failed in all his arguments, and that a more unfortunate instance could not have been adduced than that which the noble Lord had taken from the reign of Queen Anne. He was rather surprised to find that an ancestor of his had, in 1714, taken a similar course to that which he now pursued; and although the Chancellor of the Exchequer had laid great stress on her Majesty being unable to avail herself of the hereditary revenues of the Crown under certain circumstances, still, when that event occurred, it was time enough to consider the matter; and then he had no doubt the country would not be backward in doing all that was right and proper to ensure the comfort and dignity, both of her Majesty and her Royal consort. Considering the circumstances under which the Prince was situated, with reference to the establishment of the Queen, he was of opinion that the sum proposed was more than necessary; and he should therefore move, " That her Majesty be enabled to grant an annual sum, not exceeding 30,000*l*., out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to his Serene Highness the Prince Albert of Saxe Coburg and Gotha, on his marriage to her Majesty; to commence from the day of the marriage, and to continue during the life of his said Serene Highness."

Lord *John Russell* said: I am unable to agree with the proposition of the hon. and gallant Member opposite. I own that nothing I have heard in the debate has in the least convinced me, that it was not the duty of her Majesty's Ministers to bring down the proposition which I have made to the House, or that it is not equally their duty to take the sense of the Committee on the subject. It is no doubt the privilege and the prerogative of this House to decide on any such vote of money, to decide according as they shall think fit, with a view, not only to the dignity of royalty, but to the general interests of the Crown and the people. But that opinion, whatever it may be, cannot exonerate me from the performance of my duty, having formed a very strong opinion that the proposition which I have made is the one most consistent with those great objects. I have heard the right hon. Gentleman, the Member for the University of Cambridge, explain the motive for his vote; and I certainly should be inclined to say that a description given in the early part of the evening by my hon. and learned Friend, the Attorney-general, of a speech on another subject, which he described as a specimen of special pleading, would be perfectly applicable to the speech of the right hon. Gentleman. The precedents are very plain—the immediate precedent exceedingly plain; but the right hon. Gentleman's sole object was to explain those precedents away, and to make out that the facts are not what they appear to be on the face of the matter. In the first place, with regard to the grant by Queen Anne, the only way of getting rid of that precedent was, by saying that the grant of 50,000*l*. was not made by Parliament, but by the Crown, and therefore was an act of Queen Anne herself. No doubt that was the case, because it was then the policy of Parliament to leave to the Crown means by which such grants could be made. Not only was a specified sum devoted to specified objects, but an additional revenue was given—the Post-office income itself, out of which the Queen was enabled to grant that 50,000*l*. Therefore whether it was granted directly by Parliament, according to the present practice, or whether at the beginning of the reign, without insisting or knowing how it was applied, Parliament voted a revenue of a certain amount, and allowed the Crown to have the benefit of it, the effect was the same, only that in the time of Queen Anne greater power was given to the Crown, and greater effect to the declared pleasure of the Crown than can be done at the present moment. It is a mere evasion to explain such a case away by saying that it was a grant of the Crown, and it does not in the least touch the value or defect of the precedent. Then we have those other precedents to which the right hon. Gentleman did not allude, which show a great uniformity of principle, and which bear a strong analogy to the present case. There was 50,000*l*. to Queen Caroline, with 100,000*l*. in case she survived George 2nd. There was 50,000*l*. granted to Queen Charlotte, and afterwards 58,000*l*., which was to be increased to 100,000*l*. if she survived George 3rd. There was 50,000*l*. to the Princess Dowager of Wales, the mother of George 3rd, and 50,000*l*. to Prince Leopold if he survived the Princess Charlotte of Wales, and all these precedents, of which the right hon. Gentleman did not take notice, but all to the same point, show that at different times and with different Parliaments, when different parties prevailed, and in different states of the country, during war and peace, and with one regard to one family or another, it has been a uniform opinion that some such sum as this should be granted for similar purposes. Then comes the fact which I referred to the other evening, namely, that when you had the civil list of King William the Fourth and Queen Adelaide before you, you proposed that the privy purse for King William should be 60,000*l.* a year, and that for Queen Adelaide 50,000*l.* a year, making altogether 110,000*l.* If you now grant the sum which the hon. and gallant Officer proposes, the Queen will have 60,000*l.*, and Prince Albert 30,000*l.*, making together 90,000*l.*, being 20,000*l.* less than the privy purse of William the Fourth and Queen Adelaide. These facts are plain and undeniable. I cannot conceive how the right hon. Gentleman has bewildered this question, by connecting it with another which has nothing to do with it. The right hon. Gentleman says, and says very truly, that reductions in the salaries of certain great officers—lords in waiting and grooms of the stole—have been made to the amount of 10,000*l.*; but this happened because it was thought better that a part of the civil list, to the amount of 10,000*l.*, instead of being devoted to the salaries of these officers, should be reserved for the purpose of being devoted to different branches in the Lord Chamberlain's and the Lord Steward's departments, I believe, wherever it might seem to be particularly required. It was an arrangement of convenience, which neither affected King William 4th, nor Queen Victoria. King William 4th wished that the great officers about his person should have no reason to complain, and Queen Victoria desired that regard should be had to the order and regularity of the civil list and the Crown. The arrangement did not make the least difference with regard to the personal expenses of the Monarch, and therefore the whole explanations of the right hon. Gentleman had nothing to do with the question which the House is now called on to decide. I do not know that I can say much more on the subject, but the proposal is this:—The Queen succeeded at a very early age, at the age of eighteen, to the possession of the Crown, and a privy purse was voted to her, and to her alone. It is now necessary to vote a sum for the privy purse of the Prince to whom her Majesty is about to be allied in marriage. I cannot conceive that Parliament can do better—that it can show its respect to her Majesty in a better mode than by voting a sum equal to what it has usually voted. As for pretending to explain the different expenses which may occur, I certainly shall not attempt to do it; although some statements made by hon. Gentlemen opposite would show the reasonableness of the propositions we make. One expense mentioned by the noble Lord was 10,000*l.* a year for stables for Queen Adelaide. It might easily happen, with an individual of the rank of the Prince, that the expense of stables would be much greater, particularly if he were at all attached to those sports which are so common and so popular with Englishmen, and this would cause an increase of the expense of Prince Albert's establishment, as compared with the establishment of a queen consort. I do not wish to go into this matter. I do not think it possible that a subject of this kind can be determined in any other way than by the general feeling of the House of Commons. But I am so convinced that this is a proper proposal to make, that I have no doubt, if it had not been for some accident which happened last year, and prevented the right hon. Gentlemen opposite from getting into power, that the right hon. Gentleman the Member for the University of Cambridge would, as Chancellor of the Exchequer, have proposed the same sum for Prince Albert which we now propose. I cannot believe that any other proposition would have been made by the right hon. Gentleman. The noble Lord who stated at the beginning of the debate that he would support the proposition for reduction, made great professions of respect for her Majesty, and of his wishes for her Majesty's domestic comfort. I certainly am bound to give every credit to the noble Lord who made those professions, and I wish that such conduct had not been confined to him, or to the speeches of this night, but had been general among those who maintain the same opinion with himself, and that it had not been reserved for the beginning of the Session, but had been continued ever since Parliament separated last year. I feel bound to say so, because the noble Lord, in supporting the reduction, said he was doing so with every respect for her Majesty. It appears to me that any Member of this House may vote 30,000*l.* a year, or he may vote 50,000*l.*, with the same respect to her Majesty. But, when professions of extraordinary respect are made, I cannot forget that no Sovereign of this country has been insulted in such a manner as her present Majesty has been. The extraordinary professions of respect that have been uttered, have made it necessary for me to say a word upon the subject. This is not a question of respect or of want of respect for the Sovereign. Hon. Gentlemen upon this side have voted for a smaller sum, and they have done so in accordance with their notions of economy. They are for reducing every vote, and in doing so they follow a course that is perfectly consistent in them; but I cannot come to the same conclusion as that they have adopted.

Lord *Eliot*, after the personal allusion that had been made to him, appealed even to hon. Gentlemen opposite, if any expression used by him could justify the attack made upon him. He distinctly declared he had given expression to no feeling which was not perfectly consistent with the most perfect loyalty.

Sir *J. Graham* had, he said, contended for some time past with the noble Lord upon the privileges of that House; but he now rose, he had almost said with feelings of indignation, because a minister of the Crown should make an insinuation, for the noble Lord dared not directly to make the charge, that in the vote which they were about to give for a smaller sum—that a minister of the Crown should insinuate that such a vote was influenced by their want of respect for the Sovereign. The noble Lord—for he had marked him well—had measured his expressions—he avoided stating that distinctly; but he appealed to the committee whether the insinuation could be misunderstood. He rose, then to repel that insinuation so conveyed by the noble Lord. The noble Lord had, he repeated it, distinctly conveyed the insinuation that a vote for the smaller sum would be inconsistent with the respect that was due to their Sovereign. He, then, for one repudiated any such insinuation. He felt towards her Majesty the respect which, as a loyal subject, he owed to her, but feeling that respect, he also felt that he was sent there as a representative of the people. It was, then, in performing his duty to her Majesty, and as a guardian of the public purse, that he was not to be induced to give one farthing more than the necessity of the case required. Although the noble Lord was an adviser of the Crown, and professed, he presumed, a more than ordinary attachment to the Crown, yet he must take the liberty of reminding the noble Lord, that in the time in which they lived, the safety and the honour of the Crown were best consulted by avoiding to press upon the liberality of Parliament, or he might say its generosity, for that which the absolute necessity of the case did not require. The noble Lord had been pleased to rely upon the precedent afforded by the case of Prince George of Denmark; but then the very moment that the noble Lord contended for and asserted that, the analogy was complete, why, it might be asked of him, if he so relied on it, why not follow it? The noble Lord relied upon the case of Prince George of Denmark and on the practice concerning Queen consorts. In the first there was a grant for the life of a Sovereign of 50,000*l.*; which, in case of survivorship, was to be increased to 100,000*l.* If then, the noble Lord felt that the precedent sustained him, why not follow it? Why not make a demand for 50,000*l.*, and with 100,000*l.* in case of survivorship. He answered for the noble Lord, that though he contended for the analogy, yet he felt it to be incomplete. As to the case of Queen consorts, he repudiated it. The *status* of Queen consort was recognized by the constitution of England. She had an independent station; she had independent officers; and, from her sex, it was indispensably necessary that a large female establishment should be maintained by her. There could be no doubt on this matter. Queen Adelaide had her master of the horse, and for the payment of her pages and other officers 25,000*l.* a year were given, for the stables 10,000*l.* The remainder for her privy purse was only 15,000*l.* a year. If they tried, then, the case by this list, it would be found that the proposal of the hon. and gallant Member for Lincoln was a fair proposal, a just proposal, and one that met the necessity of the case. The really available privy purse of the Queen Consort, independent of the stables, did not exceed 25,000*l.* a year. If they were to make, as it was proposed, an estimate of what was granted to the Prince of Wales, they would find that the privy purse of the Prince of Wales had not exceeded 21,000*l.* a year. According to the proposal of the hon. and gallant Member for Lincoln an equally liberal allowance should be made here. The case of the Duke of Sussex was one that had been deliberately brought before the House last session, and yet they refused to increase the grant to him. Let them look at the condition of the Duke of Cambridge, who they all knew supported an establishment, and had a son now nearly of age, and who maintained his family with no more than 21,000*l.* a year. [Mr. *Hume.* The Duke of Cambridge is allowed 6,000*l.* a year for Prince George.] Last year it was proposed to increase the income of the mother of the reigning Sovereign—and yet to the Duchess of Kent but 30,000*l.* a year were allowed. They did this, because they sanctioned the grant, in accordance with the necessity of the case. He considered the precedent of Prince George of Denmark as beside the case. There the grant was an act of grace and favour from Queen Anne, out of her own income, assigned to her for her life. But in the warrant there was a special restraining clause, that it was made of the hereditary revenues granted for her own life. He was not aware that the warrant made any grant in case of survivorship. The grant made in the warrant was not analogous to that proposed to be made in this case. Queen Anne was in full possession of a fixed income during her life, out of which she made a grant to Prince George to that extent; but that was placed at the entire disposal of Prince George. The noble Lord now argued as if a further grant were made to her Majesty, when the fact was, that it was a specific grant to Prince Albert independent of the Queen. Then, as to the sum proposed by the hon. and gallant Member to be granted to Prince Albert, he considered it to be sufficient to support his dignity and station, along with the large emoluments of the Crown and the privy purse. He considered, it then, to be a generous and a large disposition of the public money to give to Prince Albert 9,000*l.* for his establishment, more than the 21,000*l.* enjoyed by the royal family in a direct line of succession to the throne. He did not vote with the hon. Member for Kilkenny, because he did not consider the grant of 21,000*l.* was sufficient, but he had not the slightest hesitation in voting with the hon. and gallant Member for Lincoln, even though he, and those who sat on the same side of the House with him, might, in doing so, be accused of a want of loyalty. Perhaps, in the critical times in which they lived, that loyalty might be brought to the test. Something better than words might be necessary, and when that time did come, the noble Lord should then say that the loyalty that existed on the one side was to be found also on the other, and that the party of Gentlemen with whom he had the honour to act had not forgotten the duty that they owed to her Majesty.

Mr. *Leader* wished to explain the reason why he voted first for 21,000*l.*, and now intended to vote for 30,000*l.* He did so, not because he thought that either ought to be granted; for he quite agreed with the hon. Member for Kilkenny that nothing should have been demanded from the country. He thought that her Majesty had an abundant civil list, both for supporting the dignity of the Crown and the maintenance of him whom she had chosen for her husband. They were called upon by the noble Lord to attend to the precedents that had been cited to them. First, he did not think them applicable to the present case; and next, he wanted to know, why they were to be at all guided by precedents. Those who talked of precedents did not recollect how different was the state of the country now, from what it was in the reign of Queen Anne. For to one man that was able to read and write in the reign of Queen Anne, there were a hundred thousand able to read and write now; and for the one man that in Queen Anne's reign considered politics, there were a hundred thousand men that now considered them; and for the one man that would condemn an extravagant grant in the reign of Queen Anne, there were hundreds of thousands, even millions, he might say, who would discuss and condemn the vote that it was probable that the House of Commons would come to that evening. It had been said, that in proposing such a grant they ought not to look to the state of the country, nor of its finances. He did not consider that there could be a better argument applied to such a subject—it was on such a subject being proposed that they ought to look and see what was the state of their finances, what the condition of their trade, and whether their commerce was thriving. These, in his opinion, were the things for them to consider, when they were granting the public money. They ought to look to what would be the effect produced out of doors. People would say that there was economy in the cottage and extravagance in the palace; that they were very economical in their management of union poor-houses, but that they were very extravagant when they had to make a grant for the palace. He agreed in that opinion. He regretted that so large a grant was proposed by the Government, and as the smaller evil he chose to vote for 30,000*l.* The noble Lord the Secretary for the colonies had taunted the right hon. Gentleman opposite, that if he were in office he would not have hesitated in proposing 50,000*l.* That was a remark which he assured the noble Lord would not be lost on the country. It showed that Whigs and Tories, when in power, were the same —equally extravagant and equally forgetful of the interests of the people. The only difference was this, that when the Whigs got on the Treasury benches, they forgot all their former professions—they forgot all their promises of economy; but they only remembered them for the purpose of taunting hon. Gentlemen on the opposition benches, that they had become economists themselves.

Mr. *O'Connell* was sure that, in opposing this grant, the hon. Member for Westminster was not animated with the same views which actuated those upon the other side. He would not himself now trespass upon the House, but that this was the first occasion on which he had ever voted for a larger sum in preference to a smaller. He wished now to give his reason for voting along with the hon. Baronet the Member for the University of Oxford. The precedents which had been objected to showed a particular line of conduct upon former occasions. The value of precedents was this—that it afforded evidence of what, from time to time, was necessary for the dignity of the person married to the monarch. In that way the precedent here cited was of value. The right hon. Baronet (Sir J. Graham) had in vain endeavoured to weaken that precedent, by talking of a voluntary grant. The revenues at the time were under the management of the Monarch principally—the revenue then was little more than 3,000,000*l.*, and 50,000*l.* out of that was more than one-thirtieth of the entire sum. If such a sum were necessary at that period, 50,000*l.* were not too much now to be proposed. He would just address one single reflection to the House. Suppose at the time of the decease of the late Monarch that 60,000*l.* had been enjoyed by him, and 50,000*l.* granted by him to the Queen Consort, and suppose that he had been succeeded by a married Sovereign, was there a man in that House who would oppose the continuance of the grant? He was not to be told that Queen consorts had a regular establishment. Why so? Because it had usually happened that the Monarch of the country was a King, and all the instances they had of consorts to the Queen was the case of the unhappy Mary, whose husband Philip assumed the throne and regal power. They had, then, but the single case of Prince George of Denmark, who was the husband of the reigning monarch. They saw what had been the grant made in that case. He then supported this grant, and he had an additional reason for taking the part he did; he was instructed by his constituents to do so. They had too instructed him to give his support to the Sovereign in every way. Yes, they had instructed him to vote for this grant, and they felt too that if the Tories had prevailed at court they would offer no opposition to the grant.

Mr. *C. B. Hamilton* said, that he should not have taken part in this debate had it not been for the observations that had fallen from the hon. and learned Member for the city of Dublin. He should have rested satisfied with merely giving his vote, but he plainly perceived, if he did not offer some explanation, he should afford a tacit consent to the imputations that had been thrown out by that hon. Member and the noble Lord opposite. The hon. Member for Westminster had thought it necessary to explain his vote in favour of the amendment proposed by the hon. Member for Kilkenny, how greatly more, then, was he (Mr. Hamilton) called upon to explain why he (forming one of four Conservatives only) was found in that minority? He had not had the advantage of the hon. and learned Member in having long been known for his unshaken loyalty to the Throne—a loyalty not of recent date, he was bound to suppose, or in any way owing to his change of place in that House; but though the hon. and learned Member might have had the advantage of him in this respect, he would bend to no man, either in that House or out of it, in loyalty to the Throne and attachment to her Majesty; and no one could more cordially rejoice in the selection her Majesty had made in Prince Albert; but it was one thing to entertain these sentiments, and another to act fairly towards his country and his constituents. He considered that as one of 658 trustees of the public purse he was bound to vote according to his conscience. He dared not more particularly allude to the subject of loyalty for fear of being taxed by the noble Lord opposite with disloyalty, but no threats should deter him from his duty. He had on several occasions voted on measures of finance with the hon. Member for Kilkenny, and he should do so on every occasion when one shilling of the public money was demanded that he thought uncalled for, let that demand come from whichever side of the House it might.

Mr. *J. Jones* said, that on the occasion of the marriage of Prince Leopold to the Princess Charlotte, 30,000*l.* was the sum proposed by the then Ministry to be granted to the Prince. Mr. Tierney, however, the leader of the Whigs, got up in his place and proposed 50,000*l.*, which was agreed to on that occasion; therefore the less sum had been proposed by the Tories, but was not assented to by the Whigs. So much for the extravagance of Toryism!

Mr. *Hutton* was very unwilling to intrude himself upon the House at that time, but as his hon. Friend the Member for Kilkenny had said, he had been instructed by his constituents to oppose the larger grant, he thought it right to say, that he believed nothing would be more agreeable to his constituents than that he should support the grant, and if, as he believed, from what he had heard of the prince's character and acquirements, a considerable portion of it was likely to be applied to promote the literary and scientific institutions of the country, he could not conceive a sum of money more advantageously expended, or more for the benefit of the country.

Sir *Robert Peel* said, he never would shrink from giving his vote upon this, or upon any other occasion; but he did not know that he should have risen to address the House, if it were not for the insinuation of the noble Lord—an insinuation introduced so unnecessarily, so unjustly, and so contrary to all parliamentary rules and principles—so unworthy too, as he thought, of the situation which the noble Lord occupied, both as a minister of the Crown, and as leader of the House of Commons. What right had the noble Lord to make the insinuation that he had done? Supposing that he had said, that the noble Lord's motive in proposing such a grant as 50,000*l.* was owing to his base subserviency towards the Crown—supposing he had said that which was perfectly irregular, and which would be perfectly unjust, he thought, he would have been told at once by the Speaker, that he had no right to go on imputing motives. Thus, he thought, that it would be base and unworthy of him to be influenced at all by the events of last May; but he also said it would be as unworthy as it would be cowardly in him to shrink from the performance of his duty, from the fear that such a motive would be imputed to him. He said that it would be puling, effeminate delicacy in him, if he acquiesced in a vote which he felt to be wrong, because he feared some hon. Gentlemen opposite might have said, "you are acting from a spiteful recollection of the events of last May." He did not vote for the smaller sum, on the ground that had been taken by hon. Gentlemen—he did not adopt now a course which he had constantly rejected—namely, in considering the grant, taking into his calculation how many families might be supported by it. He did not give his vote on account of the temporary distress that prevailed; nor because financial difficulties were felt, for he believed that this great country was rich enough, and powerful enough, to make a proper allowance for the consort of the sovereign. He introduced none of these invidious topics—he felt that what he did might cause temporary displeasure; but he was conscious that he consulted the permanent interest of the Crown, and that the vote he gave was consistent with liberality towards the Crown, and with justice towards the people. He who acquiesced in a vote which he felt could not be vindicated, was not a true friend to the Crown. He was a much greater Friend to the Crown, who saved it from the unpopularity of an extravagant vote. So much then for his duty towards the Crown, and now, as to the position of the House of Commons, and the position of parties. He said, that the great political interest of parties was to be maintained, and nothing in the present state of public feeling could be so ruinous to both parties, as if there were a contest between as to which of them would show the greatest liberality in such a vote. It might promote the temporary interest of a party; but any fear, or any shrinking from that which they believed to be their duty would do more than anything else to ruin the character of the House of Commons. His hon. Friend was not to be provoked by the example of the noble Lord. His hon. Friend had given notice without the slightest communication with him. He had heard the speech of the noble Lord's explanation of the expenses of Prince Albert before he intimated how he intended to vote. He did not exactly understand what was the motion of his hon. Friend; but he thought that 30,000*l.* during the life of her Majesty, by way of a privy purse, would be a just and a liberal grant. He thought, also, that 30,000*l.* to Prince Albert, in case of his surviving her Majesty, and there being no issue, would be a just and liberal provision. But he thought, that if Prince Albert survived her Majesty, and that there were heirs to the Crown, the grant ought to be 50,000*l.*; but then he also said, that if Prince Albert were the father of a numerous family, and expenses thus fell upon the Prince, he for one would vote that which would be becoming to the father of the royal family. He did not know that his hon. Friend proposed so to limit the vote; but then he should not be ready to increase the vote until Prince Albert had given a guarantee to the people of his permanent residence in, and attachment to the country. He grounded his vote upon a consideration of the reasons of the case. The noble Lord had insinuated that some disrespect would be shown to the Crown unless he and others acquiesced in the proposal of Ministers. Supposing that the noble Lord said, that he called upon them to act upon precedents, and that he considered the precedent of Queen's Consort to be strictly in point, why, then, did not the noble Lord propose 50,000*l.* a-year and 100,000*l.* afterwards? Why not appeal to their respect to precedent, as binding on them in this case as in that? Supposing that the noble Lord made that proposal, and that they should pursue the course adopted with respect to Queen Adelaide—that is 50,000*l.* first and 100,000*l.* afterwards — would they not have a right to oppose such a proposal without any disrespect to the Crown. The cases of precedent then failed. They were not bound by precedent — not by strict and literal analogy; but then an appeal was made to the reasonable analogy of the cases cited by the noble Lord. Could the noble Lord deny, that, as far as the public money was concerned, no provision was made for Prince George during the lifetime of the Queen? The noble Lord said that there was special pleading upon this point; but he mentioned, on the contrary, that it was strictly correct and proper argument. The Queen (Anne) came into possession of the hereditary revenues, the same that had been enjoyed by Queen Mary and King William. The marriage had taken place before she ascended the throne. Parliament made no increase, but a provision was made by the Queen out of those revenues, to which the Queen was unquestionably entitled, supposing that no marriage had taken place. Parliament provided for the case of Prince George surviving the Queen, merely at the close of his life, and when there was little chance of his surviving her, and then in case he did survive her, it granted to him 100,000*l.* out of the public revenue. Let the House bear this in mind. 30,000*l.* granted now, payable for life to the Queen and Prince Albert, in case of his surviving the Queen, was equivalent to the grant of 100,000*l.*, payable only in case of survivorship. If they took the value of annuities, 30,000*l.* granted now for life to Prince Albert, was equivalent not to the 100,000*l.* granted to Prince George, but to the sum of 200,000*l.* or 300,000*l.* This would be the equivalent in the contingency of survivorship. He would take the case of Prince Leopold and the Princess Charlotte. They had had a grant of 60,000*l.* to maintain the whole of their establishment. The 30,000*l.* which the Princess Charlotte had before, ceased, and they received 60,000*l.* for the maintenance of their whole establishment, and 50,000*l.* in the event of Prince Leopold surviving. Could any man deny, that the universal voice of the country was, that that grant was too great? Could any man deny that, in the case of Prince Leopold going abroad, severing his connection with this country, 50,000*l.* would not have been too much? The almost universal feeling of the country at the time was, that that grant was too great, and in point of fact, Prince Leopold practically proved it, by his relinquishment—his liberal, generous, handsome relinquishment—of a considerable portion of his income. He felt, that the amount was against the opinion of the country. The case of the Royal Family, where 21,000*l.* a-year was granted to each of its members to support the whole of their establishments, was a proof that 30,000*l.* was a liberal allowance, such an allowance as he wished to make. He would come, then, to the case of William and Adelaide, which the noble Lord said, he relied upon. His right hon. Friend (Mr. Goulburn) had maintained, that, in making a grant of 30,000*l.* a-year to Prince Albert, they were substantially making the same allowance to the Queen and Prince Albert which had been made to King William and Adelaide. Surely, there was no special pleading in this? If they gave in effect the same amount available for the same purpose, surely it was not special pleading to ask the House to be bound by that fact. The right hon. Gentleman, the Chancellor of the Exchequer, had said, that there was a difference in the present case, on account of the pension list, as formerly the surplus of that fund might have been applied to persons that properly fell upon the civil list. That was a perfectly novel argument. When Parliament constituted the pension list and reduced it to 1,200*l.* a-year, that being the whole fund upon which the Crown could draw for personal services, and the reward of literary merit, Parliament never contemplated that the surplus should be made available for other purposes. He must say, after that arrangement with respect to the limitation of the pension list to 1,200*l.* that it was a great abuse of power, if indeed the power existed, to transfer the surplus to defray ordinary expenses. Such a thing ought not to have taken place. The right hon. Gentleman, the Chancellor of the Exchequer, seemed to say, that he did not mean that—[The *Chancellor of the Exchequer:* by the new arrangement, the power was taken entirely away.] How, then, could it any way apply to the marriage of Prince Albert? In guarding against the inference which the right hon. Gentleman drew, he had completely proved, that his argument was worth nothing. If Parliament, before the marriage, had, by an act, taken away the power of applying this money, what a miserable stress for argument must the right hon. Gentleman be in, to come to that House, and contend, that it was a disadvantage to the Crown that it could not now apply the surplus portion of this fund to the civil list. What had the allowance to Prince Albert to do with it, if the legislature had already taken away that surplus from the Crown? and how could the right hon. Gentleman contend for an increase of the grant on that ground? What his right hon. Friend contended for was, that the portion of the civil list, applicable to the personal expenses of the Queen and Prince Albert would, with the grant of 30,000*l.* amount to the same sum as was granted in the case of King William and Queen Adelaide. The amount of the privy purse was, no doubt, different. 60,000*l.* to the Queen, and 30,000*l.* to Prince Albert, was less than the sum granted to William and Adelaide by 20,000*l.*; but if they took the whole amount of that portion of the civil list which was applied to the establishment, and which went to diminish the expenses of Prince Albert, who would find an establishment provided for him, that he would say would be a legitimate comparison between the amount of the civil list applicable to personal expenses in the one reign and in the other; and he would say, that 30,000*l.* would render the amount equal. The onus of proving, that more was necessary was thrown on the other side. The noble Lord, the Secretary for the Colonies, said, that the Crown could not apply the surplus upon one head of the civil list to the privy purse. That was a singular contrast to what had been said by the right hon. gentleman, the Chancellor of the Exchequer. That right hon. gentleman had contended, that the Crown had before the power of applying the surplus of the pension fund. That argument, it appeared, was perfectly inapplicable, as the Crown had no such power; but the Crown had the power of applying the savings in those heads of the civil list which referred to household expenses to the privy purse. Consequently the comparison between the total amount of the civil list under the head of the Lord Chamberlain's and the Lord Steward's departments, would not be applicable; and, in his opinion, the sum of 30,000*l.* would give for each reign the same amount. It would also be recollected that the provision for the consort of a King and for the consort of a Queen was necessarily very different. A great establishment, a lord chamberlain, a steward, must be maintained by the consort of the King, as well as by the King himself; but in the case of a Queen Regnant, there was absolutely no necessity for his keeping any establishment at all. The expenses of the stabling department were also much heavier upon a Queen Consort, inasmuch as the establishment must be much larger on account of the necessity of providing carriages and horses for the females of her establishment. On these grounds, having been perfectly unwilling to enter into minute details, thinking that a reference of the subject to a committee, as in 1830, would be a wrong course—forming his calculations on the grounds that had been stated by the noble Lord himself, that 9,000*l.* only would be required for Prince Albert's establishment, he had come to the conclusion that 30,000*l.* a-year was a just and liberal allowance; and having come to this conclusion, and being perfectly resolved, notwithstanding the unjust imputations which the noble Lord had thrown out, disregarding any consideration as to whether he was giving a politic vote or not, he was perfectly resolved not to enter into any unseemly contest about vying in an unjust liberality; he would give the Crown what he believed a liberal and just allowance; but his duty as a representative of the people, and as a loyal subject of the Crown, could not permit him to counsel the House to make an extravagant grant. I will not (continued the right hon. Baronet) condescend to rebut the charge of want of respect or loyalty. I have no compunctions of conscience on that ground. I never made a concurrence of political sentiment on the part of the Sovereign a condition of my loyalty. I never have been otherwise than loyal and respectful towards my Sovereign. Not one breath of disloyalty—not one word of disrespect towards the Crown, or any members of the Royal Family, however adverse their political sentiments were to mine, has ever escaped my lips; and when performing what I believe to be my duty to this House, and my duty towards the Crown, I should think myself unworthy of the position which I hold, of my station as a Member of the House of Commons, if I thought that I could not take a straightforward course without needless professions of loyalty, or without a defence against accusations which I believe to be utterly unfounded.

The *Chancellor of the Exchequer* begged to be allowed to say a word in explanation. The right hon. Baronet had not understood him when he attacked him. With respect to the comparison of the civil list of the late King with that of the Queen and Prince Albert, it should be recollected that, although in the late reign, certain reductions in the salaries of the household were contemplated, and an additional sum of 10,000*l.* was granted to the late King in consequence of such contemplated reductions, yet it was very well known that such reductions never took place. The right hon. Gentleman had also argued that, by the new arrangement of pensions, no loss was incurred by the Crown. Now he would venture to state, that a loss was incurred in two ways. In the first place, any surplus that arose in the pension list heretofore, was transferred to defray other expenses. The Crown was cut off from this in consequence of the new arrangement. In the second place, by the resolution which had passed that House, they had limited the granting of pensions to a particular class, by which means a large additional charge was thrown upon the privy purse in the shape of compassionate allowances. He might further add, that the House would recollect that certain sums were derivable from the Duchy of Cornwall during the reign of the late Sovereign, which were not likely to pass to a Prince of Wales; but should a Prince of Wales be born, those revenues would immediately cease. He had only risen to explain, and would add that nothing had fallen from the right hon. Baronet to shake him in the opinion he had expressed.

Mr. *Villiers* said, he had listened with attention to the argument in favour of this vote. He owned he could hear none. It was very difficult to discover any rule to guide one upon such matters. But after listening to the debate on both motions, the only principle he could collect was, either for a sum that they ought to vote which was actually necessary for the purpose, or to vote that which had been customary on similar occasions. It seemed to him that the hon. Member for Kilkenny had proposed that which met the actual exigencies of the case, while the Government had proposed that which had been usual in such cases in this country. Now, between these two, everything seemed to him arbitrary and capricious, and he did not see much difference in principle between the motion proposed by the Government and that by the gallant Member. He wanted to be guided by some rule or principle. But the hon. Gentleman proposed, he understood, 50,000*l.* in case of survivorship; the Government proposed 50,000*l.* at once. He considered both votes excessive, and he could not understand the difference between the two. Both votes went beyond what was necessary, and, both being excessive, he could not see the difference between them. He thought them both alike departures from principle; he was indifferent to both, and should vote for neither.

The House divided on the amendment, Ayes 262; Noes 158: Majority, 104.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baines, E.
Baker, E.
Baring, hon. F.
Baring, H. B.
Barrington, Viscount
Bell, M.
Blackstone, W. S.
Blake, M. J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Bolling, W.
Bowes, J.
Bradshaw, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Busfeild, W.
Calcraft, J. H.
Cartwright, W. R.
Castlereagh, Lord
Chapman, Sir M. L. C.
Chapman, A.
Christopher, R. A.
Clerk, Sir G.
Cole, Viscount
Collins, W.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Davenport, J.
Dick, Q.
D'Israeli, B.
Duffield, T.
Dugdale, W. S.
Duke, Sir J.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Du Pré, G.
Easthope, J.
Eaton, R. J.
Egerton, Sir P.
Ellis, J.
Ellis, W.
Erle, W.
Ewart, W.
Feilden, W.
Feilden, J.
Fellowes, E.
Fenton, J.
Finch, F.
Fitzroy, hon. H.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Grant, F. W.
Greene, T.
Greg, R. H.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. F.
Hardinge, rt. h. Sir H.
Hector, C. J.
Heneage, G. W.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hindley, C.
Hodgson, F.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hume, J.
Humphery, J.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jervis, J.
Jervis, S.
Jones, J.
Jones, Captain
Kemble, H.
Knatchbull, right hon.
Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Langdale, hon. C.
Langton, W. G.
Law, hon. C. E.
Leader, J. T.
Lefroy, right hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Lister, E. C.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Martin, J.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Maxwell, hon. S. R.
Mordaunt, Sir J.
Morris, D.
Muskett, G. A.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Norreys, Sir D. J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Pattison, J.
Pease, J.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Phillpotts, J.
Pigot, R.
Pinney, W.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Protheroe, E.
Rae, right hon. Sir W.
Redington, T. N.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Round, C. G.
Round, J.
Rundle, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Salwey, Colonel
Sanderson, R.
Sandon, Viscount
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stormont, Viscount
Strickland, Sir G.

Strutt, E.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Sutton, hn. J. H. T. M.
Talfourd, Sergeant
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornely, T.
Tollemache, F. J.
Trench, Sir F.
Turner, E.
Turner, W.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, R.
Williams, W.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Sir M.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Wood, B.
Young, J.
Young, Sir W.

TELLERS.

Sibthorp, Colonel
Eliot, Lord

List of the NOES.

Adam, Admiral
Alston, R.
Anson, hon. Colonel
Anson, Sir G.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry. G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bewes, T.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Brodie, W. B,
Browne, R. D.
Bulwer, Sir L.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Chester, H.
Chetwynd, Major
Chichester, J. P.
Clay, W.
Clayton, Sir W. R.
Collier, J.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Curry, Sergeant
Dalmeney, Lord
D'Eyncourt, right hn. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Elliot, hon. J. E.
Ellice, right hon. E.
Euston, Earl of
Evans, Sir De L.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P. H.
French, F.
Gordon, R.
Grattan, H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hill, Lord A. M. C.
Hobhouse, rt. hn, Sir J.
Hodges, T. L.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
James, W.
Labouchere, rt. hn. H.
Lemon, Sir C.
Leveson, Lord
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Macnamara, Major
M'Taggart, J.
Maule, hon. F.
Morpeth, Viscount
Murray, A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Phillips, Sir R.
Pigot, D. R.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, G. R.
Smith, J. A.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Standish, C.
Stanley, hon. W. O.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Tavistock, Marquis of
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Vivian, Major C.
Vivian, rt. hon. Sir R.
Wall, C. B.
Westenra, hon. H. R.
Westenra, hon. J. C.
Wilbraham, G.
Wilde, Sergeant
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

The House resumed, the report to be brought up on the following day.

PRIVILEGE. — STOCKDALE *v.* HANSARD.] The *Speaker* informed the House that the Sergeant-at-Arms had a communication to make to the House.

The Sergeant-at-Arms accordingly came to the bar, and stated, that, pursuant to the order of the House, he had this day made a return to the writ, requiring him to have the bodies of William Evans, esquire, and John Wheelton, esquire, in the Court of Queen's Bench, together with the day and cause of their being detained, and had produced the bodies of the said William Evans and John Wheelton in the said Court accordingly; and that the said Court had remanded the said William Evans, esquire, and John Wheelton, esquire, into his custody.

Return delivered in, and read, as follows:—

"I, the said Sir William Gosset, Knight, Serjeant-at-Arms of the House of Commons, in the writ hereunto annexed named, do hereby certify and return, in obedience to the said writ, that before the coming of the said writ to me, to wit, on the twenty-first day of January, in the year of our Lord one thousand eight hundred and forty, I did take into my custody, and have thenceforth always hitherto detained in my custody, and still do detain in my custody the said William Evans, esquire, and John Wheelton, esquire, in the said writ named, under and by virtue of a certain warrant, under the hand of the right hon. Charles Shaw Lefevre, Speaker of the said House of Commons, which said warrant is as follows:

"*Martis*, 21o *die Januarii*, 1840:

"Whereas the House of Commons have this day resolved, that William Evans, esquire, and John Wheelton, esquire, sheriffs of Middlesex, having been guilty of a contempt and breach of the Privileges of this House, be committed to the custody of the Sergeant-at-Arms attending this House:—These are therefore to require you to take into your custody the bodies of the said William Evans and John Wheelton, and them safely to keep during the pleasure of this House; for which this shall be your sufficient warrant. Given under my hand the twenty-first day of January 1840.

(Signed) "CHARLES SHAW LEFEVRE,
Speaker.

"To the Sergeant-at-Arms attending
the House of Commons."

"And I do hereby further certify and return, in obedience to the said writ, that the above is the cause of my taking and detaining in my custody, as in the said writ mentioned, the said William Evans, esquire, and John Wheelton, esquire, the bodies of which said William Evans, esquire, and John Wheelton, esquire, I have here ready, as in and by the said writ I am commanded."

IMPORTATION OF FLOUR INTO IRELAND.] The House resolved itself into a committee on the Corn Importation Act.

Mr. *Labouchere* said, that he had already intimated his intention of bringing in a bill for the purpose of assimilating the law of Ireland to that of England respecting the importation of foreign flour. At present American flour imported into this country could not, even with the duty paid upon it, be imported into Ireland. The Bill he intended to introduce should be limited to the object of placing both countries upon the same footing. There was no reason why they should differ; he believed the measure would meet with no opposition, and if it should, he was at a loss to know upon what grounds. He would now merely move a resolution to the effect, that leave be given to bring in a bill to repeal so much of the Act of the 9th of George 4th, c. 60, as prohibited the importation into Ireland of wheat meal, wheat flour, and oatmeal.

Colonel *Conolly* apprehended that he should be obliged to oppose the measure of the right hon. Gentleman, which he thought would have an injurious effect upon the agricultural interests of Ireland. The hon. and learned Member for Dublin had said on a former evening that it was much and anxiously wished for by the citizens of Dublin. He (Colonel Conolly) had been in Dublin previous to the meeting of Parliament, and he had observed no such wish or anxiety upon the subject. The fact was, that advantage was now taken of the bad season to bring in this measure, which, as far as he could learn, was uncalled for.

Mr. *Labouchere* observed, that by the bill he proposed, the Irish agriculturist would not be placed in a worse position than the English agriculturist. It put them both on the same footing, and he could assure the hon. and gallant Gentleman that he had received many communications shewing the necessity for such a bill.

Mr. *E. Tennent* considered that, the contemplated measure would be injurious to the agricultural interest. There was no complaint of the want of a bill of this kind, and he could not see upon what grounds it could be supported. This measure would also be highly injurious to the millers of Ireland. The millers were the most prosperous body of tradesmen at the present time, and a measure of this kind would strike at the root of that prosperity. The millers had invested a large capital in the trade, and had imported large quantities of grain, so that a bill like that which was proposed, unless compensation was given to them, would prove extremely ruinous. It was said that the object was to give cheap bread to the poorer classes; but those who knew anything of Ireland knew that the poor did not use flour, and he would say, that if they wanted cheap bread they ought to continue the mills. This measure he considered as the first step to the destruction of the agricultural interest; and on every occasion, therefore, he should oppose it.

Mr. *O'Connell* said, the object of the bill was to put the Irish corn laws on the same footing as those of England. At present the Irish wheat was so bad that it was deleterious to the health of the people, and it was simply proposed to permit the introduction of a finer quality to mix with that which was at present injurious. It was not a corn law question at all.

Colonel *Perceval* had never heard a wish for a measure of this description expressed in any of the agricultural districts of Ireland, and he wondered that the Vice-President of the Board of Trade, who represented an agricultural county, had not stated the view of his constituents in regard to a bill in which they were so deeply interested. He should oppose the measure in every stage.

Mr. *S. O'Brien*, as Member for an agricultural county, and as a friend to protection, found no difficulty in giving his assent to the present motion. He could not participate in the fears of the gallant Colonel that evil would arise from an assimilation of duties in the two countries.

Resolution agreed to.—House resumed.

METROPOLIS IMPROVEMENTS.] Sir *M. Wood*, in moving for a select committee on Improvements in the Metropolis, suggested that the attention of the committee should be directed to the embanking of the Thames from Staines-bridge to Gravesend. It was also proposed to consider the propriety of purchasing the interest of the proprietors in Waterloo and Southwark-bridges, in order to throw them open to the public. These and other improvements ought, in his opinion, to be taken into consideration, and a report made to the House in regard to them. The hon. Member concluded by moving for the appointment of a select committee to inquire into the objects he had mentioned.

Sir *Robert Inglis* had imagined, from the notice which the hon. Baronet had put upon the paper, that he had merely intended to move for the renewal of the old committee, and he was somewhat surprised to find that such extensive schemes were to be brought under their consideration without a more distinct notice that such was the intention of the hon. Baronet. There was, he feared, no fund to accomplish such expensive undertakings, and he would, therefore, beg to direct the attention of Ministers to the proposals which had been made.

The *Chancellor of the Exchequer* was somewhat surprised at the way in which the hon. Baronet had worded the motion which he had just submitted to the House. He had thought that it was only proposed to renew the old committee, and he had not been at all aware that the hon. Baronet had intended to introduce such extensive schemes for their consideration. He would suggest to the hon. Baronet the propriety of withdrawing his present motion, and moving simply for the renewal of the old committee. If the hon. Baronet thought the objects which he had mentioned of sufficient importance, then he could give the House fair notice of his intention to propose that the committee should take them into consideration.

Mr. *Herries* trusted that the propriety of purchasing Waterloo and Southwark bridges would not come before the committee until the Government was prepared with the necessary funds.

Sir *Robert Peel* considered the plan of embankment proposed by the hon. Baronet as somewhat gigantic, yet he thought it was a matter worthy of consideration whether some embankment was not necessary in consequence of the projection into the river made by the foundation of the new houses of Parliament. That projection caused a much more extensive deposit below Westminster-bridge than formerly, which was highly injurious to the health and comforts of the inhabitants upon the banks of the river. The embankment had narrowed the stream, and he could say, from his own experience, that the deposit which was now left was most offensive. He considered the proposals of the hon. Baronet as too comprehensive, but he thought it was deserving of consideration whether some embankment was not rendered necessary below Westminster-bridge, in consequence of the projection into the river to which he had alluded.

Mr. *Bell* said, that from the experience his constituents had had of the proceedings of other committees of a similar nature to the one moved for by the worthy alderman, they would look on the present motion with very considerable alarm, dreading the imposition of an additional tax on coals entering the port of London, for the purpose of carrying into effect the contemplated improvements in the metropolis. It was well known that the 8*d.* duty paid on each ton of coals entering the port of London, and paid to the corporation, would have ceased altogether in the year 1837, had it not been renewed in the session of that year for 21 years, that is to the year 1858, for the purpose of raising 1,000,000*l.* to be applied to completing the approaches to London-bridge, unless the charges on the fund should be sooner paid off. It appeared that from the increased importation of coals into London, this would have been the case in 1852. In the session, therefore, 1838, an act was obtained to extend the time six years, bringing it up to the original terms of 21 years from 1837, for the purpose of raising 300,000*l*., one-half of which was to be applied to rebuild the Royal Exchange, the remainder to completing certain improvements in the metropolis. As it appeared that the 8*d*. produced to the corporation annually upwards of 85,000*l*., which would amount in six years to 510,000*l*., it was important to know how it was intended to dispose of the 210,000*l*, after expending the 300,000*l*. as originally intended.

Motion withdrawn.

MUNICIPAL CORPORATIONS (IRELAND).] Viscount *Morpeth* rose to move for leave to bring in the sixth bill on the subject of Irish municipal corporations. He felt he could not claim for the subject the attraction of novelty. Besides which the question, after all that had passed in the progress of its discussion, and after all that had been conceded on both sides of the House, now came to be scarcely one of principle between any material section of the House, but rather one of particulars and of details. Under these circumstances, he did not feel called upon to trespass at any length on their attention, but would only shortly advert to the character of the present measure in so far as it differed from or agreed with the bill of last Session. At the close of the last Session of Parliament, when the bill was sent back to them from the Upper House, with a very considerable number of what, after usual courtesy, must be called amendments, though they were of the same nature and pretty nearly of the same extent as those which in previous years had caused the rejection of the Bill by the House of Commons, yet the Government did think it its duty to take the opinion of its usual adherents, and particularly the opinion of the Members representing that country most affected by the measure. And it did seem to be the prevailing feeling, that the time had at length come for bringing this long-agitated matter to something like a settlement; and when in the course of the discussion which had taken place both the great parties obviously had receded from the ground which they originally occupied, it seemed that some amicable adjustment might be effected, though not to the perfect contentment of either party, yet so as to ensure at least a great improvement in the present state of things in Ireland. The Government, therefore, referring to what had occurred on either side of the House, and more especially to the opinions and feelings of the people of Ireland—for in dealing with a matter exclusively affecting the people of that country, and in proposing a measure which seemed to her Majesty's Ministers to fall short of the full measure of those rights and privileges which they ought to enjoy, it would have seemed to them hardly fair to proceed without a pretty general acquiescence on the part of their usual supporters, and of the Irish community—the Government, therefore, now felt itself warranted in introducing the present measure. Such was the impression stated by his noble Friend at the close of last Session, when debarred from immediately proceeding with the Bill by the difficulty which arose on certain parts of the Lords amendments upon the question of the privileges of this House, and the interpretation put by the Speaker on the forms of proceeding, he yet expressed his hope that under all the circumstances, he should be enabled at an early period of the present Session to bring forward such a measure as might be calculated in all probability to ensure the assent of both Houses of Parliament. In the same sense his hon. Friend, the Member for Drogheda, in seconding the address on the first night of this session, than whom there existed no man who more highly prized the rights and liberties of his fellow-countrymen, expressed his earnest hope, that before long an amicable adjustment of this question would be made. In that hope he rose to make the present motion, for without such a hope he could not, without considerable discouragement have ventured to launch this sixth bill of which he had given notice along the same track over which its five predecessors had unsuccessfully attempted to proceed. He had, therefore, endeavoured, whenever it seemed possible to do so consistently with fair dealing and justice, so to frame the present bill as to meet the views of either House of Parliament. The question, therefore, having now become almost one of detail only, and the proper time for considering the details of the bill being, when the bill itself should be laid on the table of the House, he would content himself on the present occasion by referring briefly to the main provisions of the bill, and the prominent deviations from the shape in which it was last put by the amendments of the House of Lords, premising only his readiness, when the time for a more specific examination should arise, to give every information or explanation that might possibly be required. The schedules of the bill into which the several corporate towns of Ireland were divided were the same as those which had been now agreed to by both Houses of Parliament, for he believed the last two years. With respect to the first, schedule A, which contained the towns to which it was proposed to extend corporate institutions immediately, the franchise proposed to be adopted for immediate use was that contained in the bill as last sent down from the House of Lords, viz., a rated franchise of 10*l.* He did not deny, that the Government thought this a higher rate of franchise than it ought to be—a higher rate than ought be imposed upon the people of Ireland. Still they could not conceal from themselves, that unless they were prepared to concede this step, after all the determination that had been evinced upon the subject, it would be a mere mockery to introduce this bill; and that if they did venture upon it, after undergoing the same wearisome and toilsome course as its predecessors, it would, like them, be strangled and choked, and the sixth Irish Municipal Reform Bill, after following its five predecessors to the grave, would only bequeath them the legacy of a seventh, with similar provisions, doomed to share the same fate in the Session of 1841. At the same time, being fully convinced, that the only sound rational, and really satisfactory and permanent mode of dealing with Irish rights was to place them on a footing of real and substantial equality with those enjoyed by the people of England, they proposed to stamp upon the present measure a memorial of their opinion, that it did not confer upon Ireland that equality, by enacting, that when the provision for the poor in the two countries should be assimilated, and the rate for relief of the poor should have been established for three years in Ireland, then the franchise being that of a three years' rating should be placed upon the same footing as in England. The two Houses of Parliament had hitherto experienced some difficulty in arranging the precise form of the clauses to continue the Parliamentary franchise to the freemen. To plain and unlearned minds this would not seem a very difficult matter to accomplish with precision and fair dealing, and he had taken pains so to frame this clause as to continue to all parties the rights which now existed, whether complete or inchoate, but so as, whilst not excluding any existing right, not to create any new one. With respect to the towns in the second schedule on which it was not proposed to confer corporations at once, but which, on the application of a majority of the rated inhabitants, were entitled to receive a charter from the Lord-lieutenant, they had been divided into two classes, those in which the corporate property exceeded 100*l.* per annum, and those in which it fell short of that sum. With respect to the first class, where the Act of the 9th of George 4th, so often referred to in the discussions on this subject, was now in existence, it would be proposed to entrust the management of the corporate property to the commissioners appointed under that Act, who had very analagous functions; and where the Act was not already in existence he should propose that commissioners should be elected in the manner proposed by the last amendment of the House of Lords. In respect to those towns where the corporate property did not amount to 100*l.* per annum he proposed to transfer the management of the corporate funds to the board of Poor-law guardians. There was this difference between the present bill and that as amended by the House of Lords last Session, that in no case, either in the first or second schedule, was any corporation now in existence to continue, whereas under those amendments that point was a matter of ambiguity. The grand jury clauses, which were the immediate cause of the rejection of the bill last Session, it was not proposed to incorporate in the present bill. He was not sure that any objection would be made on either side of the House to those provisions; but they were not a necessary adjunct to the bill, and formed a fair subject for separate consideration. For that they would be reserved, and he should probably introduce a separate bill for the purpose of effecting the fiscal objects to which they were devoted. The clauses relative to the compensation of the present corporate officers had been framed on the same principles and scale as in the English Municipal Reform Bill, making allowance for certain special cases; but there were some interpolations in the measure sent down from the House of Lords which he felt he could not sanction, and which he did not think would be sanctioned by either of the great parties in that House. That was all that he (Lord Morpeth) felt it incumbent on him to state in respect of the particular provisions of the bill. He had, then, only frankly to express a hope, that, after what had passed elsewhere, they would lead to such an arrangement of the vexed question of corporations in Ireland, which, if it did not please all parties, would at least have the effect of serving the great corporate towns, and of curing the present corporations of their monopoly, their intolerance, and their exclusiveness. The party contest on the subject had been carried on long enough—to-morrow night there would be a free field for party contest, on a broader basis—and however we were to emerge from it, he hoped, that that it would not be to revive their Irish quarrels on the worn-out topic of municipal corporations, but to endeavour to concur in some practical measures of internal improvement, and to promote the undisputed objects of the common national welfare.

Mr. Sergeant *Jackson* did not rise to oppose the motion of the noble Lord, but to express his satisfaction that the most objectionable parts of the former Bills for reforming the municipal corporations of Ireland had been relinquished in the present measure. He was glad that the noble Lord had excluded all fiscal clauses from his bill, and also that the new qualification would not be pressed forward. But he felt bound to submit to the consideration of the noble Lord whether it would not be more expedient not to make the reception of the corporations imperative on the larger towns than in schedule A., but that they should have the option of refusing them if they saw fit. He (Mr. Sergeant Jackson) believed that the people of Ireland generally, notwithstanding all that was said to the contrary, were not now, and, indeed, never were, very anxious for corporations; and in this belief he was borne out by the facts that last Session a petition had been presented to the House of Lords from Galway against its incorporation which was attended to by that House; that a petition was in course of signature in Belfast to the same effect; and that, according to accounts which he had received within the last two days, there was another of the same tenor in progress in the Borough of Clonmell, which would be signed by all religious denominations. A strong feeling on the subject existed in other places likewise, and he had heard various comments on the injury inflicted by corporations on places in England. In his belief they did no good at the best; but in most cases they gave rise to a great deal of ill-blood, unhappiness, and expense to the community. The great objection to the present corporations in Ireland was their exclusiveness. He hoped, that that objection would not be against the corporations sought to be established by the noble Lord's Bills. But this he felt bound to say, as regarded the objection of bigotry, that as this was a Protestant State, and the institutions of the country were also Protestant, it would, in his opinion, be not only highly impolitic, but highly improper, to place the Irish corporations in the hands of the Roman Catholics.

Mr. *Redington* denied, that the town of Galway had petitioned against a municipal corporation because it was adverse to the establishment of such an institution; it was, on the contrary, solely because the inhabitants had an objection to the boundaries laid down for their borough in the bill.

Mr. *Litton* had always wished for a just and fair measure of corporate reform in Ireland. But he felt bound to apprise the noble Lord, that if he expected any bill on that subject to pass Parliament, it should be of a different character from his former bills. The effect of those bills would have been to make all those bodies of one religion, and of one politics, exclusively of all others, and to throw a class of persons into them, who, as far as respectability was concerned, would be entitled to neither the patronage connected with them, nor the power to dispose of their funds.

Mr. *M. J. O'Connell* was surprised, after all the professions of peace made on the other side, that the hon. and learned Sergeant should introduce a new element of discord into the question, namely, that the large towns should have the option of rejecting or accepting municipal institutions. He (Mr. O'Connell) could not help remembering, in connection with the anxiety manifested now by hon. Members opposite, as to the settlement of the corporation question, how little anxious were the party to which they belonged, to support corporations in this country, especially when the great towns of Manchester and Birmingham petitioned for them on a recent occasion. He trusted, after the compromise of the noble Lord, that there would be no farther opposition on the other side of the House to the settlement of this question; and he hoped, that the observations of the hon. and learned Sergeant, and the hon. and learned Member for Coleraine would not be allowed to take effect. The latter hon. and learned Gentleman had impugned the respectability of the class of persons likely to be admitted to the corporations in Ireland under the former bills; but he (Mr. O'Connell) could tell him that any bill which could be passed, would not be able to improve the present corporation of Dublin.

Mr. *E. Tennent* would oppose the bill, if it went to make the acceptance of corporations compulsory upon the people of the great towns in Ireland, especially upon the town of Belfast. In regard of this town, he would mention a fact which came within his own knowledge—namely, that, of the seven functions which it was the duty of every municipal corporation to perform, all of those that were non-existent were performed by other bodies well, and without expense to the inhabitants.

Sir *R. Inglis* said, he should not have risen but for the observations of the noble Lord respecting the monopoly, corruption, and sectarianism of the Irish corporations. As regarded the first, it was a question of law; the second had been admitted, and he should waive it; but as to the third, he maintained, that these bodies were established for a certain purpose, and that they only performed the functions which had been assigned them—the support of the Protestant religion in Ireland.

Sir *R. Peel:* I do not rise to prolong this discussion, but merely to say, in answer to the conciliatory speech of the noble Lord, that I shall undertake, in respect to this subject, to adhere to every declaration I have formerly made on it, and that I shall reserve all further concessions until I shall have duly considered the provisions of these bills. I hope these bills will settle the long-pending and much-vexed question as to municipal corporations in Ireland. I shall stand by the concessions I have made and the declarations I have given, as I stated, because I think restriction would be a disadvantage at this moment. But I cannot help thinking while I do so, that it would be a great improvement in the present bill if that provision which makes it imperative on large towns in Ireland to accept municipal institutions were somewhat modified, so as to make it dependent, for instance, on the decision of the Privy Council, on petition of the inhabitants. In my opinion it would very much benefit the measure if the noble Lord adopted this modification; and it would be much more in accordance with the principle of self-government which he professes to advocate. For instance, why should a corporation be forced on the town of Belfast, after the convincing statement of the hon. Member for that town as to its inutility? That is my opinion on the matter. But as I gave my vote on former occasions for corporations for the great towns of Ireland, I shall not retract it now. I shall stand by it, as the business is a matter of consequence; but still I think that the suggestion of my hon. and learned Friend is an improvement which the noble Lord might adopt with much advantage to the country. The hon. Gentleman, the Member for Kerry, has said that the party to which I belong were opposed to the grant of municipal corporations to the great towns of Birmingham and Manchester on a recent occasion, though what connection it has with the subject before the House I am at a loss to know; but the hon. Gentleman should have remembered, before he made this accusation, that it was not with us, but with the Privy Council, that the decision of the question lay. I believe the facts were, that a certain portion of the inhabitants of these towns petitioned for a corporation, while another portion petitioned against it, and that the Privy Council only granted it after sending down a commissioner to inquire into the subject, and receiving his report. The noble Lord has referred to the Birmingham and Manchester Police Bills; but these only make my case the stronger, for it is yet a mooted point how far the municipal corporations have benefitted these boroughs, as far as peace and order are concerned. If hereafter it should turn out that the corporations of these places are to have the control of the police, they will, I have no doubt, succeed to the command of a far better force than they would even have established themselves by means of these bills; and in so far my case is strengthened. I will say no more now. I shall adhere to all I have promised. I shall make no other concession without due consideration, and I shall recede from none that I have made. And I trust that, under all the circumstances of the case, there will be no undue hurry of this bill through the House, but that ample time for reflection on all provisions shall be given to us.

Mr. *Pigot* denied that the Clonmel petition against a municipal corporation for that borough, mentioned by the hon. and learned Member for Bandon, represented the opinions of the inhabitants of that borough, and corroborated the assertions of his hon. Friend the Member for Dundalk, as to the causes which led to the petition of last year from the town of Galway.

Leave given to bring in the bill.

MUNICIPAL CORPORATIONS, (SCOTLAND). The *Lord Advocate* moved for leave to bring in two bills—one to provide for the better regulation of municipal corporations in Royal burghs in Scotland; the other to provide for the better regulation of municipal corporations in parliamentary burghs not Royal burghs in Scotland.

Sir *George Clerk* begged to remind the Lord Advocate of the opinion of the commissioners in 1833, appointed to establish corporations in Scotland, that where there existed only a few inhabitant 10*l.* householders it would be better not to think of establishing corporations at all. He trusted that in the case of very small burghs in Scotland the inhabitants would be allowed an option of having corporations or not, as it was a matter of expense, and, perhaps, beyond their means. It would be the most considerate way in such cases to leave it to themselves to act under the parliamentary qualification, and not to burden them with the cost of corporations.

Sir *J. Graham* said, that on a former occasion it was a subject of controversy, whether, on account of the difficulty of finding a sufficient number of 10*l.* householders, it would be advisable to extend the right of corporate voting to those rated at 5*l.*; and Lord Jeffrey had given it as his decided opinion, that this could not be done without considerable danger to the parliamentary franchise. He (Sir J. Graham) fully concurred in the opinion of Lord Jeffrey, and gave the Lord Advocate notice, that in case he attempted to introduce the lower rate of franchise in the Scottish burghs he should give any such extension his most serious opposition.

Leave given.

HOUSE OF LORDS,

Tuesday, January 28, 1840.

MINUTES.] Petitions presented. By Lord Redesdale, from several places, against the Repeal of the Corn-laws.

HOUSE OF COMMONS,

Tuesday, January 28, 1840.

MINUTES.] Bills. Read a first time:—Vagrants Removal; Flour Importation (Ireland).

Petitions presented. By Mr. Acland, from Tichenfield, against any further Grant to Maynooth College.—By Mr. Baines, from Great Dunmore, for the Abolition of Church-rates, and the Release of John Thorogood.—By Sir G. Strickland, from a place in Yorkshire, for the Repeal of the Corn-laws.—By Viscount Powerscourt, from Bath, for Church Extension.—By Mr. O'Connell, from a number of places, for an Extension of the Franchise, Corporate Reform, and Protection to Irish Interests.—By Lord John Russell, from a Medical Association at Liverpool, for a General system of Vaccination for the Poor.

CONFIDENCE IN THE MINISTRY.] Sir *J. Y. Buller* said, that when he considered the importance of the motion which he was about to introduce to the House, he was afraid, that he, who seldom took part in their debates, might be found guilty of some presumption in rising to claim their attention. He wished that it had devolved upon some more competent person to bring forward this motion, but he hoped that he might be treated with kindness and indulgence by the House, while he laid before them some two or three reasons which had led him to bring forward this motion in the discharge of his duty to his constituents. In submitting these reasons to their notice, he would trespass for as short a period as possible upon the attention of the House. That there was much disturbance and dissatisfaction throughout England was but too notorious. In ordinary times it might be, that that distress and that dissatisfaction might arise from causes over which the Government had no control, and could therefore not be considered responsible; but no one now could help attributing this disturbance to the system which had been pursued by her Majesty's Ministers during the last two years—that system of agitation which they had nurtured and fostered for the sake of carrying their measures, pressing them upon the country, and exciting masses of the people for their own purposes. He was afraid, that that disturbance had now proceeded so far, that it was almost impossible for them now to put it down, or even to control it, though they were to put in force all the powers of the Executive. Was a system of this description calculated to obtain the confidence either of that House or of the people at large? Could a system by which the life and property of the subject were both endangered, secure their confidence? Surely it was to be expected that a Government should be found on the side of peace and good order—supporting the law, not exciting the people—appointing discreet, cool-judging men for the local magistrates, who would keep unruly wills in order, instead of those who had been in the habit lately of exciting a restless spirit amongst them; and securing for the people at large, the great advantages of quiet, security, and domestic peace. Had her Majesty's Ministers followed this wise and judicious course, and avoided the appointment of agitators to situations of great trust, no such riot would have been witnessed as that which had taken place in the Bullring at Birmingham; neither would they have had armed masses of the people marching through Newport, carrying dismay to the peaceful inhabitants, and marshalled and led on by a magistrate of the Ministers' own appointment. With the same view of carrying through political measures, the same system of agitation had been introduced and carried on in Ireland some years before; and he could not help reprobating the conduct which had been pursued by Ministers in encouraging and supporting the successful agitator of that country as they had done. They had placed in situations of emolument his family and connexions; and, instead of abating their attentions to the hon. Member for Dublin, in consequence of the violence of his language, they made him a guest at the Lord-lieutenant's table. And this was after one of his most inflammatory harangues. Let him ask, what was the great object of those harangues at present? He would not say, that he was agitating the repeal question at the present moment, but he stated, that he was ready to raise that cry again upon the first fitting occasion. And yet this was the very subject for which six years ago his conduct had been denounced in a Speech from the Throne, in which all well-disposed and loyal subjects were called on to aid in stopping the progress of an excitement which was dangerous to the integrity and safety of the empire. He could hardly expect to find a man whose conduct had been so arraigned, afterwards becoming the honoured supporter of that same Government under any circumstances. But it was still more extraordinary to find him occupying that position, while he was again avowing his readiness to renew that very repeal agitation for which he was denounced before, and giving acceptable assistance to a Cabinet containing Gentlemen who had assisted in framing the very speech which had so denounced him. Such a connexion upon the part of the Government, with the instruments of agitation was scarcely to be credited; and it was but natural, that it should have resulted, as it had done, in alienating from them the confidence of the country. In the next place, he thought, that their apparent coalition with those who had pursued an uniform line of hostility to the Established Church of this realm, was calculated to withdraw from them the confidence, not only of all Churchmen, but likewise of those who, though they did not belong to it, felt that a religious establishment was a blessing to a country, and were therefore desirous to see it maintained. But her Majesty's Ministers had, it would appear, done their best to aid the opponents of the Church in their systematic attacks upon her, and in their unwearing efforts to obtain the realization of a plan which would completely separate the Church from the State, and establish in her stead the voluntary system. They had brought forward a measure in which they plainly entered into the views of the party to which he had referred, and of which it was the object to deprive the Church of the funds which were necessary for the maintenance of its fabric. They had proposed at first to provide an equivalent out of the consolidated fund; but as that would have tended to keep up the principle of the State maintaining the Church, they had abandoned that portion of their plan, as unsatisfactory to those of their supporters who were for the entire separation of the Church from the State. Another of their plans was to seize the bishops' lands, and, by what they vaunted as an improved system of management to create a visionary surplus, which was to be applied to the maintenance of the fabric of the Church; and they had followed this up with another blow at the establishment in their education project. They proposed to withdraw the grants which were distributed through two societies, by both of which religious instruction was communicated, in proportion to the exertions of the parties, to the children of their respective denominations, by Churchmen and Dissenters. They proposed to stop short a system which was undeniably working well, and through the means of which the clergy were doing great good throughout the country. They introduced this system, and it had been carried through that House by a very small majority—by exactly two. It was a system of education of which religion was not the basis—which excluded the clergy from the superintendence of the schools, or permitted them merely to communicate a little religious instruction during the hours of relaxation from their other studies. This was a regulation which rendered it nearly, if not altogether, impossible for Churchmen to partake of any of the advantages of that grant. Their plea was to give the people moral instruction, and to lessen the amount of crime throughout the country; but Churchmen could not help regarding it as one of those modes of attack, the object of which was to lower the influence of the Church, and detach the people from her pale, by bringing them up in ignorance of her doctrines. When her Majesty's Ministers first took office, they declared their intention of carrying on the Government without the aid of patronage. From that time pensions and sinecures were to cease. They had often threatened an inquiry into the pension list, and had done their best to bring former Governments into disrepute upon this subject, denouncing their conduct with regard to pensions and sinecures as extravagant and corrupt. They passed a resolution to the effect that 1,200*l.* per annum was the whole amount which her Majesty could distribute amongst her subjects to encourage literary attainments, improvements in art, and discoveries in science. Professing that they considered patronage of no importance, they have encroached more on the patronage of the various departments than any Government which ever preceded them. They lately granted 1,000*l.* a-year as a pension to a gentleman who had just retired from a sinecure office, in order that they might confer the sinecure office on their retiring Chancellor of the Exchequer. Another ground of complaint which he had against her Majesty's Ministers was the uncertainty attending all their plans. In the last Session of Parliament the noble Lord at the head of her Majesty's Government in that House argued and voted against the proposition of the hon. Member for London, when he brought forward a plan for introducing the vote by ballot They had heard the noble Lord in his reply to the hon. Member for Edinburgh expressing his regret that that hon. Member should hold such opinions, and that he had not taken more time to consider them before he maintained them in that House. What was the case now? The noble Lord had admitted into his Cabinet the hon. Member for Edinburgh. He had made this distinguished advocate of the ballot Secretary of War, no doubt with a view to raise a hope that the ballot would be carried. Pursuing the same line of uncertain conduct, Government never let the agricultural interest know what their intentions were as to the protection of the corn trade. It was true that the head of the Government in the other House of Parliament had said that,—

> "When he considered the situation in which we stood—when he considered the various and complicated interests which we had to protect —when he considered the peculiar nature of our financial position, and found his noble Friend proposing to leave the whole agricultural interest without protection, he must declare before God that he thought it the wildest and maddest scheme that had ever entered into the mind of man to conceive."

But when he found that the Members of the Cabinet, on the motion annually made on that subject, were voting some on one side and some on the other and that the noble Lord at the head of it "was not prepared to pledge himself to say whether the existing corn laws were the best that could be adopted, or whether they ought to be annihilated," he was made to feel that, notwithstanding all that that noble Lord stated, there was no protection for agriculture to be expected from the present Ministry. If, then, the Administration wanted to gain the confidence either of the ballot men, the landed interest, or of the nation at large, they must take a more decided course—they must say whether they would or would not support the ballot—whether they would or would not give protection to agriculture. "There is now growing up," continued the hon. Baronet, "in this country, a society, under the title of National Religionists or Socialists, who are promulgating, by means of lectures, the most baneful disgusting theory through the country. By their own account they are daily gaining ground, they have branches in all the great towns, and are sending missionaries to every quarter to disseminate their pernicious doctrines. At their meetings private property is held up as the origin of all vice, of all crime, and of all misery. Competition, that stimulant to exertion, is denounced as the source of poverty and degradation. The marriage rite is scoffed at, and declared unfitting for social life. Ministers may laugh at such doctrines, may treat the whole as a trivial affair, trusting to the good sense of the nation not to be led away by them, and, therefore, decline to interfere. Now, Sir, we do not call upon the Government to take vigorous measures to disperse this society, but we are surprised, and rendered justly indignant, when we hear of the president of this society, the originator of it and its detestable opinions, openly countenanced by the Prime Minister of the Crown, and by him carried to the foot of the Throne, to present an address praying that his plans may be brought under the serious consideration of Parliament. The introduction to the Sovereign of such a person as Mr. Owen, possessed of such opinions, would be highly censurable at all times; but, when we consider that the occupant of that throne is a young and virgin Queen, just about to enter the holy state of matrimony, it is doubly atrocious, and cannot be looked at as a slight imprudence; and I would ask, how is it possible that any father of a family with daughters, about whose welfare he is anxious, can feel confidence in a Minister who countenances for one single instant the man who teaches, that any man may agree to take a wife upon trial, whom he may again discard upon some momentary capricious whim? These, Sir, are some of the reasons which have induced me, as a country gentleman, to bring the motion of want of confidence under the consideration of the House. Doubtless, if I were to detain the House at great length, if I were to enter into that wide field which the hon. Member for Carlow suggested by his question the other evening, causes for want of confidence might be adduced from their foreign policy, their colonial management, and from that management by which our national defence has been dwindled to insignificence, and rendered insufficient to protect our commerce; but I shall not do so, for in confining myself to their acts at home, I have proved enough to justify my motion. I now move the House to resolve—That her Majesty's Government, as at present constituted, does not possess the confidence of this House.

Alderman *Thompson* rose to second the motion. He would premise his observations by offering his sincere thanks to the hon. Baronet for adopting a course of proceeding by which the country would be able to ascertain to what extent, and in what degree, her Majesty's Ministers possessed the confidence of the House of Commons. He knew not of any period, at least in modern times, when the necessity was more urgent upon an independent Member of Parliament to adopt such a course; for when he considered the state of the general mass of the labouring population, when he considered the financial condition of the country, when he considered the state of several of its more important colonial possessions, as also the state of its foreign trade and navigation, he found that there was cause of alarm and apprehension for the constitution of the country and for the honour and prosperity of the nation. His hon. Friend had alluded in his admirable speech to the general state of the population. His hon. Friend had made reference to that district where the outrages had been the most calamitous—a district with which he was personally connected—he meant the district of South Wales. He hoped, therefore, that he should be excused for making a few observations on the nature and character of those outrages, as he had had the opportunity of observing them personally himself. It was not an uncommon event in the history of England to witness tumultuous meetings and riotous outbreakings and violent breaches of the peace on the part of the population; but hitherto, those unfortunate events had happened when some great branch of our staple manufactures was in a state of depression, and when great bodies of workmen were thrown out of employment, and were consequently involved in great wretchedness. At other times there had been great scarcity and dearness of provisions. But none of these circumstances were present now. There was a peculiarity in the recent outrages in South Wales which must forcibly strike upon the minds of all. Instead of there being a want of employment in that district, he could say from his own knowledge that the demand for labour exceeded the supply, and that wages were at a rate unusually high. To what cause, then, was the recent outbreaking owing? He had no hesitation in declaring that it was for political purposes entirely. He had no hesitation in attributing it, in a great degree, to the continuous tampering of her Majesty's Ministers with the constitution, to their continuous meddling with every subject connected with our social establishments, by which that respect for establishments and that reverence for authority which existed formerly, and which ought always to exist, were almost annihilated. In addition to this, there had been an encouragement from high authority to the people to meet in large bodies, and to form unions and associations for political purposes; all which had produced great discord and dissension. There had also been arrays of force which had led the people to believe that it was better for them to trust to such exhibitions than to the quiet and regular course of the constitution. We had been recently, and we still were, experiencing a state of things which justified him in saying, that though we had a Government, we had not a Government possessing authority. We had not a Government possessing that moral influence over the opinions of the people which it was the duty of a good and efficient Government always to maintain. He would allude, in confirmation of what he had just said, to the manner and the circumstances under which the attack on the town of Newport had been made by the hon. Baronet. [*Laughter.* Gentlemen might smile at what he had just said, but he could state from his own personal inquiry and examination, that the object and purposes and principles of that tumultuous mob were of the most dangerous character. It was no secret that their object was to remodel the constitution of that House; it was no secret that they required to be entitled to send as their own representatives to that House, men of their own grade in society, without any property qualification, who were to be annually elected; it was no secret that the great object which they wished to attain by such a House of Commons was the equal distribution of every description of property. And who was the great expositor of these their principles? That individual was John Frost, who had received his nomination as a magistrate from the hands of the noble Lord opposite. It might be said, and he had no doubt that the noble Lord would say, that so soon as he discovered that he had appointed an improper person to the magistracy he removed him from the commission. But that, he contended, was not a sufficient excuse. Before Mr. Frost received that appointment he had embarked in public meetings, and had been much engaged in exciting the people against the laws and the constitution. He said that that appointment of Mr. Frost to the magistracy gave him an influence over the minds of the people which he would not have otherwise possessed; and he must add, that it was a fortunate circumstance that it was one of the most tempestuous nights ever known that was fixed by Mr. Frost for his attack upon Newport. If it had not been for the tempestuous state of the weather, he believed that it would not have been 4,000 or 5,000 men, but three or four times that number, that would have marched with Mr. Frost against Newport. But the noble Lord might also say, that in appointing Mr. Frost to the magistracy he did nothing more than adopt the recommendation of the inhabitants of Newport. But not even that was a sufficient apology for the noble Lord. The noble Lord was warned, and timely warned, against Mr. Frost. And by whom? Not by an individual of different politics from the noble Lord, not by an individual actuated, by what the noble Lord might denominate Tory prejudices, but by an individual of honourable mind who entertained the same political opinions with the noble Lord. That individual stated to the noble Lord facts and circumstances of which the noble Lord could easily ascertain the truth by reference to documents in his own office. What those facts and circumstances were he forebore to mention, from a consideration of the unhappy condition in which Mr. Frost was now placed. At the time of the commission of these outrages the noble Lord was succeeded in his office of Home Secretary by the noble Marquess who had recently been Lord-lieutenant of Ireland. He would now draw the attention of the House to an extract of a letter which that noble Marquess had addressed to the mayor and other magistrates of Newport, who were then engaged in the examination of the persons who were implicated in the rebellion and the treasonable acts committed there. He believed that it was an unusual circumstance for her Majesty to convey her thanks to any magistrate for the mere performance of his duty; but this being an extraordinary circumstance, and the magistrates having undergone great fatigue and anxiety, on the 9th of

November Lord Normanby wrote the following letter to the Mayor of that town:—

> "The Queen has been pleased to command me to express her Majesty's high approval of your conduct, and of the conduct of the magistrates acting with you, on the occasion of the outrages recently committed in the town of Newport."

Would the House believe the fact, that only three days previously to that on which this letter was dated, the magistrates had committed several persons who had been examined before them on the charge of high treason and rebellion? Why was it that the noble Marquess did not then designate things by their right names? Why did he call treason and rebellion an outrage? There was no doubt that treason and rebellion were an outrage; but every outrage was not treason and rebellion; and here, perhaps, he might be permitted to notice an extraordinary coincidence as regarded the Attorney-General, who had done him the honour, he observed, of listening with attention to his remarks. He found that that hon. and learned Gentleman, within a few days of the breaking out of the rebellion at Newport, had received the plaudits of his admiring constituents for having put down Chartism, without shedding a single drop of blood. How lamentably ignorant must the hon. and learned Gentleman have been of the state of feeling in the country when he ventured upon that boast. That speech of his was calculated to lull into false security those who had been active in suppressing Chartism, whilst it gave encouragement to the Chartists to pursue their plans with resolution on the ground that they were unsuspected by the Government. The only remedy which could be applied to this lamentable state of things was by having the Government placed in the hands of men of firmness, prudence, and wisdom—qualities, which he had not yet found, and which he did not expect to find, in the possession of her Majesty's present advisers. He would close his observations on the deplorable occurrences at Newport with this remark, that twenty-six individuals lost their lives there, and that many others were severely wounded. He might also add, that the unfortunate discontent which occasioned the rebellion at Newport did not exist in the provinces only, but existed also in the very metropolis of the empire; for it was only during the last week that the military were kept under arms all night; that the police was increased and kept on the alert; and that general alarm prevailed among all who had the deposit of merchandise. With respect to the financial situation of the country, he was sorry to observe that it was anything but satisfactory. They had recently seen published under the hands of the Lords of the Treasury a certificate to the Commissioners of the National Debt, that for the year ending the 5th of January, 1840, there was a deficiency of money amounting to nearly 1,000,000*l.* sterling, or in other words they had an official declaration that our expenditure exceeded our income to that amount; and if they took into consideration, that since that certificate was published the new arrangements of the Post-office had come into operation, they might anticipate a deficiency of at least another million upon the calculation of the most sanguine supporters of that new scheme. Even that was not all the deficiency which the country must be prepared to expect. The trade with China was now stopped; and from China we were in the habit of importing an article which yielded on an average an annual revenue of 3,500,000*l.* —an article which he might almost call an article of general consumption among the labouring classes—he meant the article of tea. The price of tea had already increased to an enormous extent; and therefore the labouring classes would be less able to purchase other exciseable articles, Here he might be permitted to allude to certain claims now made on the British Government—claims certified by the superintendent at Canton, a public servant of that Government, by whom certain goods had been demanded, and to whom certain goods had been delivered in her Majesty's name, to the amount of 3,000,000*l.* sterling, for which bills of exchange had been regularly drawn on the British Treasury. He did not know the legal position of those claims, but as a commercial man he should say, that when an acknowledged agent purchased goods for his principal and gave a certificate or bill of exchange in return for them, his principle was liable for such certificate or such bill of exchange. Further into this question he would not now enter, as its importance must of necessity occupy the attention of the House and the country. He had shown a probable deficiency of 8,000,000*l.* in the finances; was there any circumstance which could lead the House to expect that a diminution of the expenditure could be effected? Was the state of our foreign relations such as would enable us to reduce either army or navy, the two great sources of our expenditure? He thought it would be admitted that there was no prospect of such a reduction. For three years past, and particularly since the accession of her present Majesty, the expenditure had from year to year exceeded the income—a state of things which had no parallel in the history of our finances since the national debt had commenced. He boldly asserted that there had been no similar period in which for three years consecutively, the expenditure had exceeded the income. The only case he could find that was at all analogous was in the time of Sir R. Walpole. That Minister had reduced taxes to a great extent, and probably with the same view which had induced her Majesty's present Ministers to do so, that of gaining popularity in the Government. Sir R. Walpole resisted a resolution which was proposed in the House of Commons to the effect that it was expedient that the supplies of the year should be raised within the year. Sir R. Walpole resisted that resolution, and what was the consequence? A consequence ensued such as was likely enough to happen in the present case; the country was involved in a war with another power when it was least prepared for war. If they looked at the state of domestic affairs, it would be found that during the last twelve months the market had been flooded with Exchequer bills; was that a state of things honourable to the financial management of the country? The hon. Baronet who preceded him had spoken of an unjustifiable act of extravagance on the part of Government in respect to the Controllership of the Exchequer; he (Alderman Thompson) would mention another, which, he thought, was hardly inferior to that—he meant the appointment of the Governor of Greenwich Hospital. That had always been considered to be an office which should be held by some Admiral who had performed great services, who was no longer able from age and infirmities for active service, who for some fifty years "had braved the battle and the breeze." How had it been filled up in this instance? It had been politically filled up, for the first time. A few years back who would have expected that such a man as Admiral Fleming should be the successor of the illustrious Hardy? The present Government had claimed to themselves the credit of acting for all parties, without reference to patronage; but he would assert, that in filling up this appointment Ministers had been, and it was the first time such a circumstance had occurred, actuated by party considerations. He wished to be understood as casting no reflection on the gallant Officer who now filled the situation; his objection was to that officer's standing and rank in the navy, and not to his personal character. He would now beg the attention of the House while he glanced at the foreign relations of the country, particularly those with the South American States. He would remind them, that last session the subject of the French blockade of Mexico had been brought under their consideration; that a flagrant attack on the British flag had been made, and a manifest neglect had been proved on the part of Government in not according prompt protection to the persons and property of British subjects. He believed that the discussion to which he referred had in a great degree contributed to the raising of that blockade, and the restoration of affairs in that quarter of the globe to their former condition. But what was the aspect of our relations with other powers on the same continent? The House was aware, or at least ought to be aware, that for the last two years British commerce had been entirely excluded from the ports of Buenos Ayres, and that under the most frivolous pretexts the French Government were gaining military occupation of the territory, and were landing troops, having taken part with one of the factions that divided that unhappy country, with the apparent object, and as he thought, the clearly apparent object, of ultimately establishing their own authority. It was even admitted that a commission had already been appointed to manage the terms on which those states were to come under the protection of the French Government. He contended that the conduct of that Government throughout the blockade had been the reverse of fair and impartial. It had recently happened that two American vessels had forced their way into the Rio Plata, landed their cargoes, reloaded, and passed out on their homeward voyage. They were stopped by the French blockading squadron, but the American commodore having remonstrated and demanded their release, they were delivered up again. He by no means wished her Majesty's Government to show any bad feeling, or interrupt the friendly relations which subsisted between this country and France, but he required of a Government professing to administer the affairs of the country, that when injustice and outrage were offered to British subjects they should in a bold and firm manner demand reparation. In another instance, the seizure of the British ships on the coast of Africa, justice had been delayed or denied. Six years ago, in 1834, the French Government, under the frivolous pretext of a quarrel with some native tribe, destroyed British property to the amount of more than 100,000*l.* at Portendic, as was admitted by the noble Lord the Secretary for Foreign Affairs. Yet up to the present moment not the shadow of reparation had been made for this aggression. He said, that the Government of this country ought to demand redress for the injuries of its subjects as well as that of France. So long, however, had this question been allowed to remain in abeyance, that, as he had received information, the French were still pursuing their course of annoyance to that most important and valuable branch of commerce, the gum trade, which was of such vital consequence to many of our most considerable manufactures. With respect to China, hon. Members might have some notion of the importance of our trade with that empire, when he mentioned that our exports thither of British manufactures and colonial produce amounted to 7,000,000*l.* Why, he would ask, had Government not taken care to procure redress for the insult offered to her Majesty's representative at Canton, and the British merchants resident at that port? Though that outrage had occurred so far back as the month of April last, and was well known in this country in July and August, yet no preparation was made for avenging the insult offered to the Crown, and the wrongs done to the merchants till the month of January, when Parliament was about to meet. It appeared from the answer made by the noble Secretary for Foreign Affairs to the question put by his hon. Friend, the Member for the University of Oxford, that her Majesty's Government disavowed the conduct and proceedings of the superintendent of trade at Canton. Why, then, had not Ministers superseded that officer, and sent out some person in whose judgment and discretion they could repose more confidence? He hoped the noble Secretary for Foreign Affairs would explain this extraordinary and anomalous conduct. He should offer only one or two observations on the condition of affairs in Canada. Thanks to Lord Seaton, by his firmness and perseverance, rebellion and treason had been put down. Rebellion, however, in his opinion, would never have broken out if her Majesty's Ministers, in the early part of 1837, had given proper encouragement and support to Lord Gosford, in suppressing the tumultuous assemblies by which the democratic party then agitated the province. But it would have been inconvenient for her Majesty's Government, at that time to increase the army. The country was then on the eve of a general election; and, in consequence of this necessary measure being delayed for another twelvemonth, the safety of this valuable possession was put in jeopardy. With respect to Jamaica, the circumstances of that colony, and the proceedings instituted in consequence, must be fresh in the recollection of the House. Hon. Members would recollect that a difference had arisen between the Governor and the Legislative Assembly. The Governor, by repeated dissolutions, excited a feeling of discontent and hostility, which obliged him to appeal to the Home Government for protection. And what protection had Government wished to extend to the Queen's subjects in Jamaica? Why, the suspension of their constitution for a period of five years, and the substitution of arbitrary power instead of a government under which the inhabitants had lived happily for 200 years. Through the wisdom and firmness of the right hon. Member for Tamworth that attempt had been defeated, and the constitution of Jamaica had been preserved to its inhabitants, who now enjoyed perfect tranquillity under the government of Sir Charles Metcalfe, a man of judgment, experience, and capacity. What followed the rejection of this measure? The noble Secretary for the Colonies came down to the House and announced that he and his colleagues had resigned on the ground that they had lost the confidence of the representatives of the people. What circumstances had since occurred which could induce the House to restore to the Administration the confidence which they had forfeited? That was a question which the noble Lord or some of his colleagues must answer before this debate came to an end. He found it recorded, that Lord Melbourne, in another place, which, according to the orders of the House, he must not more particularly describe, had made, on the 31st of May last, the following observations:—

> "Unquestionably, the worst Ministry was that which did not possess sufficient of the confidence of Parliament and the country to carry those measures they thought necessary for the well-being of the country."

Now, he would ask the noble Lord opposite whether he thought he possessed enough of the confidence of that House to enable him to carry his measures? Why, what had been the fate of the first measure her Majesty's Government had introduced in the present session? It had been rejected. Therefore, if the opinions of Lord Melbourne himself were to be regarded, his Administration must come to a speedy end. He would not say much respecting the many changes among the great officers of state that had lately occurred—the marches and countermarches from one place to another. The right hon. Member for Edinburgh had replaced in her Majesty's councils the noble Lord the Member for Northumberland, but he must confess that that change had not increased his confidence at least. Mr. Burke had observed, and he fully concurred in the remark, that the standard of a statesman was a disposition to preserve, and an ability to improve, the institutions of the country. Now, he believed that there was no disposition on the part of the present Government to preserve the institutions of the country, nor had he any confidence in their ability to improve them; therefore, he gave his support to the motion of his hon. Friend. Before he sat down, he hoped he might be permitted to express to the House his acknowledgments for the forbearance they had shown to him throughout the observations he had made. This was the first time during a Parliamentary life of more than 20 years, that he had taken a prominent part in any great political question, and he should have shrunk from appearing in that character on the present occasion if he had not felt impelled, as an independent Member of that House, to do so, and if he had not felt that he was acting in accordance with what the honour and the best interests of the country demanded.

Sir *G. Grey* in rising to oppose a direct negative to the motion just read from the chair, it will be my gratifying duty, in the first instance to express my heartfelt and cordial concurrence in one sentiment which has fallen from the worthy Alderman who seconded the motion. The worthy Alderman expressed his satisfaction — a satisfaction in which I cordially concur in common, I am sure, with my hon. Friends whom I see around me, that this motion has been submitted to the House. I sincerely rejoice, that hon. Gentlemen opposite have at last mustered courage sufficient to abandon the course of policy which they have pursued during the last five years and to substitute for a perpetual warfare of detail—for a perpetual obstruction of the measures which her Majesty's Government in discharge of its duty has submitted to Parliament, accompanied by a somewhat vain-glorious boast at the close of each Session over the nullity of the deliberations of Parliament —to substitute for a series of attacks upon individual branches of the administration and detached questions of policy — the more manly, open, and decided course of bringing under review the whole policy of the Government, legislative and administrative, and of asking the representatives of the nation for their verdict, aye or no, whether the present Government, looking at the general policy which it has pursued, does or does not possess the confidence of this House. I rejoice that this question has at last been fairly submitted to the decision of the House of Commons. The question involved in the present motion in fact, is, whether the House is prepared to transfer its confidence from her Majesty's present Government to hon. Gentlemen on the opposite side. The principal difficulty, I confess, in dealing with this motion consists in the absence of anything to grapple with. I look in vain to the speeches of the hon. Baronet, or of the worthy Alderman, for any charges which can afford ground for such a motion, which has been justly described as one of an important and momentous character. I look in vain in those speeches for any topic, with one single exception, to which I shall presently refer, which might not have been brought forward as the justification for such a motion at any period during the last five years, as well as at the present time. I confess I had expected to have heard the hon. Baronet bring forward such alarming descriptions of the state of the country, and charge the Government with such a dereliction of duty, subsequent to what the worthy Alderman has termed the marches and counter-marches in Ministerial offices at the close of the last Session as if these would have rendered it imperative on the House at the very commencement of the present Session, and with the least possible delay, to transfer the administration of affairs from the hands of the present Government to those who, as their opponents, claim for themselves the confidence of the House. No adequate motive, however, has been assigned by either of the hon. Members who have addressed the House for bringing forward, at the present time, a motion justly described as momentous in its import, and momentous in its consequences to the country. Has any fact been stated sufficient to justify such a proceeding? Has any sufficient reason been assigned for it? I confess, I feel some satisfaction at not being the only person ignorant of the motives which have prompted the present motion. In the absence of any more authentic source of information, I have had recourse to the daily organs of the Conservative party in the hope, that some light might be thrown by them on those motives, but I have found them quite as much at a loss as myself to divine what those motives were. At first, indeed, and while the recent elections were yet undecided, there were confident predictions, that Ministers would be in a minority on a question which was to decide their continued existence as a Government, but this note of anticipated triumph was subsequently changed, and we were told, on better information, I suppose, that all that could be expected to result from it was the moral effect of a minority. Again, we were informed, that the motion was necessary to test the opinions of hon. Members, and to ascertain their political place in this House. Is it, then, come to this, that a motion of this nature is submitted to Parliament, because there are some Gentlemen hovering on the outskirts of Conservatism, wavering in their allegiance —uncertain in their adhesion—whom, in the certain prospect of defeat, it was considered expedient to fix for a renewal of the petty warfare of detail throughout the Session, by committing them to a vote of direct hostility to the Government at its commencement? However this may be, whatever may have been the motives for the present motion, I pass on from this inquiry as immaterial, as no motion could have been submitted to the House which we should meet more cheerfully, or one which the true friends of a liberal policy have more reason to desire. [*Cheers.*] I am convinced—those cheers assure me, that the result of this motion will be a decided expression of opinion on the part of this House in favour of the continuance of a system of liberal policy, and that the strengthening of the hands of the Government in the course of progressive improvement. To come now to the charges which have been preferred against the Government, the first which has been mentioned is the encouragement of Chartism. The hon. Baronet has ascribed Chartism to the agitation promoted by the Government, with a view to carry their measures, and to appeals made by the Government to the passions of the people. If, Sir, there is anything in this charge, it refers to a period antecedent to Lord Melbourne's Administration. It is impossible to forget, that this charge was brought against the Government of Lord Grey at the time of the Reform Bill; and as the House is well aware of the zeal and energy with which the noble Lord, the Member for Lancashire, and the right hon. Baronet, the Member for Pembroke, whom I see opposite to me, as Members of that Government, advocated the Reform Bill, and agitated on the subject, it would ill become me, with my inferior experience and talents, to undertake their defence, or to say a word in exculpation of the Government of which they formed a part. I will only say, that while the charge of agitating the people, and exciting their passions, was loudly urged against that Government, I do not believe in the justice of the allegation, as such agitation was altogether unnecessary, the people having risen, as one man, and demanded the reform which was offered them. But when the hon. Gentleman brings forward this charge against Lord Melbourne's Government, let me ask him to name any one single measure of that Government which has been carried by stimulating and agitating the people? But if the hon. Baronet is so sensitive as to any appeal to the passions of the people, I must be permitted to ask him whether his own Friends are altogether free from the charge? Has there been no appeal to the passions of the people on the subject of the Poor-law? Has he read no speeches made during the last general election by candidates opposed to the Government, containing appeals to the passions and prejudices of the people on this matter, and does he not know that the feeling which engendered Chartism had its origin in opposition to the Poor-law? I ask whether there has not been on this subject an unhallowed alliance between Tories, (for the term Conservatives is here wholly inapplicable,) and Chartists, and Destructives, the avowed object of which has been the repeal of that law? Why, is it not a notorious fact, that at an election which took place within these few days, for a great metropolitan district, the borough of Southwark, the champion of Conservatism invited and received the aid of the incendiary Oastler.

Mr. *W. Duncombe:* Sir, I rise to order. I wish to ask you whether the right hon. Baronet is justified in calling Mr. Oastler "the incendiary Oastler?"

Sir G. *Grey*: Sir, I at once retract the expression; and leave Mr. Oastler to the protection of his party. It has been charged against the Government that they have fomented Chartism, and the late insurrection at Newport has been adduced in proof of it. This, indeed, seems to have been a God-send to hon. Gentlemen opposite, for it constitutes the only recent circumstance which gives a shadow of foundation for the motion. But is it attempted to be said, that the late insurrection in Wales is chargeable on the Government? and is any imputation suggested as to the mode in which they have dealt with it? Is there no ground for suspecting that the real cause of complaint is, that while her Majesty, in the Speech from the Throne, has lamented the existence of insubordination, and the acts of violence which have been committed, and while, in our Address to the Crown, we have unanimously expressed our concern at these events, the Government have not felt it necessary to propose to Parliament, as former Governments have done, to increase the severity of the laws, or to commit to them any extraordinary powers, for the purpose of repressing or punishing insurrection? No, the Government have relied on the efficiency of the existing laws, which it was their duty to administer, and I ask any hon. Gentleman opposite whether those laws have not been firmly, strictly, and, at the same time, mercifully enforced? The Government have submitted the question of guilty or not guilty, as to the parties taken in insurrection, to the ordinary tribunals of the country—to juries chosen impartially, without even the suspicion of an undue bias, and the result has justified their conduct. Is it for this that the House of Commons is called upon to condemn her Majesty's Government, and to declare them unworthy of its confidence? With these facts and these results, is the worthy Alderman justified in asserting that they have been slack in the administration of the law? I understood the worthy Alderman to say, that the Government had not been sufficiently energetic in the administration of the law.

Mr. Alderman *Thompson:* I beg, Sir, to be allowed to explain. I made no observation that the Government was slack in the administration of the law. What I said was, that there was a disposition to designate things by wrong names.

Sir G. *Grey*: I was coming to that; that was another charge. I was quite aware that one ground on which the worthy Alderman asked the House to withdraw its confidence from the Government was, that Lord Normanby had designated as an "outbreak," what the worthy Alderman thinks should at once have been termed "treason." But I ask whether it would have been decent, whether it would have been just towards the prisoners about to be placed upon their trial, if the Secretary of State had, in a public letter, prejudged their case, and stamped their offence as treason? Is not the worthy Alderman aware of the long and patient investigation which, on the subsequent trial of the prisoners, took place into the character of their crime, and that grave doubts were suggested as to its treasonable nature? Would the hon. Member for Huntingdon and Ipswich, who so ably defended the prisoners at Monmouth, concur with the worthy Alderman in censuring Lord Normanby for the course which he took in this instance? Would they not justly have complained, if he had acted according to the opinion of the worthy Alderman? But, Sir, the hon. Gentleman, in connection with this subject, has complained that Frost, who has now been convicted of treason by a jury of his countrymen, should have been appointed by my noble Friend (Lord J. Russell) to the office of magistrate in the borough of Newport. A great deal has been said upon this subject out of the House, and it now forms one of the counts of the indictment against the Government. The charge is simply this, that my noble Friend several years ago, soon after the passing of the English Municipal

Corporation Act, appointed an individual to the office of magistrate, who has since been guilty of an act of treason. I ask the worthy Alderman whether, before he brought forward the charge, he took any pains to ascestain the real facts of the case. — [Yes, from Alderman *Thompson.*] — Then, I must say, he has grievously misstated them. The obvious inference from the statement of the worthy Alderman, in the case of any person unacquainted with the facts, would have been, that my noble Friend, knowing at the time Mr Frost to be, if not a traitor, yet a disaffected person, and wholly unfit to be trusted with the magistracy, had yet gone out of his way to appoint him to that office. Now, does not the hon. Gentleman recollect that, at the time when the Municipal Corporation Bill was before Parliament, my noble Friend openly stated the rule by which he should be guided in the appointment of borough magistrates?—that he stated in the face of this House and of the country, that it was his intention to give attention to, though not absolutely to adopt, the recommendations of the town-councils on this subject? The noble Lord opposite cheers that observation, but why did he not at the time object to the rule stated by my noble Friend? That was the time to have brought forward this motion, if that rule was considered so dangerous and objectionable, and not now, on the mere ground that a person recommended and appointed some years ago, in pursuance of that rule, has recently been convicted of treason. But what are the facts of this case? The town-council of Newport recommended an addition to the magistracy of the borough. The names of two persons were forwarded by them for this purpose to the Secretary of State. They were a Mr. Brewer and Mr. Frost. Mr. Brewer was a gentleman whose political opinions were in direct opposition to those of her Majesty's Government, and in accordance with those of hon. Gentlemen opposite. Mr. Frost, in common with the right hon. Baronet the Member for Pembroke, and the noble Lord the Member for Lancashire, had been a warm advocate for the Reform Bill. They both at the time possessed the confidence of their fellow-townsmen, and were both recommended to my noble Friend by the town-council. To that recommendation my noble Friend attended, but he did not adopt it until he had first communicated with the Lord-lieutenant of the county; and it was not until he had ascertained that there was not, in the opinion of the Lord-lieutenant, any valid objection to either, that my noble Friend, adhering to the rule which he had openly laid down, appointed Mr. Brewer and Mr. Frost. For his adherence to that rule, you are now invited to condemn the Government, and to withdraw your confidence from it, because Mr. Frost has subsequently been guilty of open and undisguised treason. The next topic which was adverted to by the hon. Baronet was one which I confess I thought would have occupied a more prominent place in his speech. It seems, however, that hon. Gentlemen opposite are wearied with discussions on Irish questions and Irish policy, and are disposed to waive the consideration of them on the present occasion. The subject, indeed, was glanced at by the hon. Baronet, but the whole amount of his charges against the Government, as it respects Ireland, was, that a son of the hon. and learned Member for Dublin has been appointed to a place connected with the courts of law in that city, and that the hon. and learned Member himself has dined at the table of the Lord-lieutenant. I confess that I have not taken the trouble of inquiring who are the ordinary, or the extra-ordinary, guests of my noble Friend, the Lord lieutenant of Ireland—but I must say, that it appears to me almost ludicrous to invite the House of Commons, on this momentous occasion, to avow their want of confidence in the Government on the mere ground that the hon. and learned Gentleman, the Member for the city of Dublin, an influential Member of this House, and an avowed supporter of the Administration, had dined in Dublin with the Lord-lieutenant of Ireland. Is this a ground on which the House is disposed to withhold its confidence from the Government? But is this the first time that such a circumstance has occurred? Is it only since Parliament was last assembled that this important event has taken place? And, if not, why was not this motion made before? And why was not the opinion of the House previously taken upon the momentous question of where the hon. and learned Gentleman should dine? Was this, then, all that hon. Gentlemen opposite could find to say on the subject of Ireland? Although, however they may find it convenient to pass over in silence all matters relating to the present condition of that country, I cannot believe that Parliament—the Parliament of the United Kingdom of Great Britain and Ireland—

would be justified in excluding this topic from consideration, or dismissing it with so slight a notice. The reason for the silence observed on the opposite side of the House is obvious. It is known—it is obvious that the present Government enjoy the confidence of the people of Ireland—it is well known that the Government has been enabled to withdraw whole regiments from that country for the protection of other parts of the Empire, and that, without any risk to the security of life and property in Ireland itself. The security of Ireland has not been hazarded, while that of England has been strengthened. If this were not so, the hon. Baronet and the worthy Alderman would not have been slow in accusing the Government of withholding protection where it was required, and in asking the House to condemn them for exposing that part of the empire to danger. No, Sir; it is because the Government has the confidence of the people of Ireland that the House is asked to withdraw its confidence from the present Administration. The next topic adverted to by the hon. Baronet was the Church. He stated, but here again he failed to produce any facts on which the assertion was founded, that her Majesty's Government were the enemies of the Church; that they patronised the voluntary system; and that the Church was not safe so long as they retained office. Now, I ask, what shadow of evidence is there to support this assertion? I ask the hon. Baronet to state any single measure by which the Church has been injured since the accession of the present Government to office. Will he instance the English Tithe Bill? Is it pretended in any quarter that this act is injurious to the interests of the Church? Do his clerical constituents, or even his own diocesan, tell him that they desire the repeal of that act, or that their condition has been in any degree deteriorated by it? Where are the petitions for its repeal? Well, then, this measure of the present Government has at all events worked no harm to the Church. But, then, says the hon. Baronet, there was a motion brought forward by the Government two or three years ago respecting Church rates. Why did he not then ask the House of Commons to assent to his present motion? There was a proposal for the application of a portion of the property of the Church, but in which the Church had no beneficial interest, to the maintenance of the fabrics of the Church. That measure was proposed with a view to strengthen the Church by removing a fruitful source of discord between Churchmen and Dissenters, which has unhappily disturbed this country from one end to the other, and has arrayed one class of the population in direct opposition to another. If this object could have been accomplished, I for one should sincerely have rejoiced at it. I should have been glad to have enumerated the accomplishment of that object among the circumstances entitling the Government to the confidence of this House, but this not being the case, I will only ask whether the House is prepared to condemn the Government for having attempted to attain this end; whether it will withdraw from them its confidence because they have been foiled in their endeavour to settle this much agitated question. Then as to the steps which have been taken by the Government with respect to education. The hon. Gentleman has denounced the scheme of education proposed and carried into effect by the Government. The present is not an occasion on which it is possible to enter fully into that question, but I will undertake to prove that great misapprehension has existed on this subject, and that the opinion of the hon. Gentleman is not well founded, if he will afford me a more fitting opportunity of meeting the objections which have been urged to it. In the mean time, I cannot believe that the House will be induced to withdraw its confidence from the Government, because, looking at the ignorance which unhappily prevails among so large a portion of the community, and at the lamentable effects of that ignorance, the Government has endeavoured to adopt a measure of a comprehensive nature, which, without in the slightest degree affecting the right of the Church to impart instruction to members of its own communion, was calculated to extend the blessings of education to all classes of the people, without any interference with the rights of conscience. But why, in speaking of education, did not the hon. Baronet allude to Ireland? Was it because the right hon. Baronet, the Member for Tamworth, and the noble Lord, the Member for Lancashire, approved of and supported the Government system of education in Ireland? Was it because the right hon. Baronet, when himself at the head of the Government in 1835, actually proposed in the estimates framed under his direction an increase to the Parliamentary vote for this object? The hon. Gentleman asks for a vote of censure on the

Government, on account of their plan for the extension of education: and yet this is a question, one I may say, of the many questions, on which hon. Gentlemen opposite, to whom your confidence is to be transferred, are avowedly disagreed and disunited among themselves. And here I am reminded of what was forcibly impressed upon me during the speeches of the hon. Mover and Seconder of this motion, that in asking you to transfer your confidence from the known and undisguised principles of her Majesty's Government, to those professed on the other side of the House, they were totally silent as to the policy to be expected from the future Administration; and upon no one of the many questions on which hon. Gentlemen opposite are divided into what I may almost term contending factions, did they afford the smallest clue by which we can judge what policy is to be predominant. Much might be said on this subject, but it may be better first to follow the hon. Baronet and the worthy Alderman through the topics which they had selected as grounds of attack, although it is necessary to touch them only briefly, since where little has been alleged in accusation, little can be expected in reply to it. The next ground, then, of accusation against the Government was the exercise of their patronage. Now on this point I have little else to do than to refer to a principle which ha been openly avowed on former occasions, not only by the Members of the present Government but by the right hon. Gentleman opposite, and which I have reason to believe was not objected to by the House, that in the disposition of the patronage of the Government, it was a common rule and a sensible one, to bestow that patronage on the friends and not on the opponents of an Administration. I cannot but think that if Admiral Fleming, whose appointment has been objected to, had during his parliamentary career advocated the principles of the opposition instead of those of the Government, we should have heard only of his merits, and that not the slightest hint would have been given of his unfitness for the office to which he has been nominated. In that case we should have been told that the appointment was eminently due to his worth, his rank, his station, and his services. The worthy Alderman indeed seems to think that no services are now to be expected from him, and that the appointment should therefore have been conferred on a worn-out veteran. No doubt a worn-out veteran is fully entitled to his reward, and this House has cordially sanctioned the bestowal of rewards and distinction to those who had grown old in their country's service. But this is a post which requires to be filled by an officer of energy and activity, and the distinguished officers by whom it has of late years been held, have not been of the class of worn out veterans. Again, as to the charge that a pension has been granted to Sir John Newport, once a distinguished Member of this House, I will only ask whether, after the many years which he devoted to the public service, the House will withdraw its confidence from the Government for recommending him as a fit person for this reward, especially when, as I understand, no additional charge has been occasioned by it to the public. I can scarcely imagine why this has been brought forward as an accusation, unless it be that hon. Gentlemen opposite cannot refrain from expressing their disappointment at seeing the ptaronage of the Government still in the hands of their political opponents. But, in the absence of the slightest imputation of corruption, I cannot think this topic worthy of having been introduced as an item in this formidable indictment against her Majesty's Government. The next point of attack was the ballot; and here we have some explanation of the alteration made in the terms of the hon. Baronet's motion since he first gave notice of it to the House. It was at first a notice of a motion declaratory of a want of confidence in the Government generally. Within these few days the words "as at present constituted" have been introduced, and we are told that after the open and manly opposition sincerely offered by my noble Friend, the Secretary for the Colonies, to the ballot, the Government is undeserving of the confidence of this House, because that question has been made an open one, and my right hon. Friend the Member for Edinburgh has been admitted into the Cabinet. Now, if any justification were required for making the ballot an open question, I have no hesitation in saying that it would be found in this, that the refusal to have done so would have excluded from all share in the administration of public affairs, menlike my rt. hon. Friend, of the most distinguished talents and the most commanding eloquence. I cannot admit that a difference of opinion on this question ought to be considered a bar to the cordial cooperation in the same Government, of men entirely agreed upon all great constitutional principles. I was at one time myself opposed to the ballot, but now I stand a reluctant convert to it. I cannot indeed say that I am convinced of its efficacy, but I have no other remedy to offer for an admitted evil. I have stood on a popular hustings and have refused to support the ballot, though earnestly pressed to do so by men who were anxious to vote for me, and who asked me in return to afford them protection against the consequences of that vote, I long felt a confidence in the force of public opinion, as a check to those practices. which were resorted to in order by indirect, since it could not be effected by direct means, to bring back the representation to the state in which it was before the Reform Bill. But I have seen the evil increasing at every successive election, and I have seen those men most highly esteemed as electioneering agents who were most skilful in the arts of bribery and intimidation. I moved myself for a Select Committee of this House on the subject, and it was not till I was compelled to abandon the hope of suggesting any effectual remedy for the evil, that in deference to the opinions of many of my constituents to whom I could offer no alternative, I was willing that the experiment of the ballot should be tried, and the ballot being made an open question, I can give my vote in favour of it. But is the House now prepared to declare the Government unworthy of its confidence, because there being a great division of opinion upon this question among their supporters in this House, and public opinion out of doors being much divided upon it, they have admitted into their ranks, men who advocate the ballot from a conviction that no other remedy could be devised to arrest evils threatening us with a return to a system from which we have recently been delivered? The worthy Alderman next alluded to the finances of the country; and although he had touched the subject but slightly, he could not forego the opportunity of making some invidious remarks on the recent reduction of the postage. It was with some surprise that I heard the worthy Alderman select this topic as a point of attack on the Government. I thought that I recollected that the worthy Alderman had himself voted for that very reduction of the postage; and on referring to that authentic record of the votes of hon. Members, for which we are indebted to my hon. Friend the Member for Sheffield, I found the name of the worthy Alderman in the majority, which in the course of the last session, voted for the adoption of an uniform system of Penny Postage. But this is not all. The Government did not recklessly propose the the adoption of this system, altogether regardless, of the finances of the country for which the worthy Alderman professes so much anxiety. They felt that it was a great experiment, and one which might seriously affect the revenue, and they asked for a pledge from the House of Commons to make up any deficieney which might be occasioned by it. The right hon. Baronet, the Member for Tamworth, was entitled to ridicule that proposition if he pleased. He was at east consistent. He hadopposed the adoption of the uniform system of Penny postage; but the worthy Alderman supported that system in deference, no doubt, to the wishes of his constituents. The worthy Alderman had no confidence then in the right hon. Baronet; he was not convinced by his arguments against the measure, and such was then his confidence in the Government, that he voted unconditionally for the adoption of Penny Postage, and opposed the resolution by which the House pledged itself to secure the revenue against loss, and after this he actually comes forward to condemn the Government for having adopted this hazardous experiment, and that without giving any opportunity to my right hon. Friend, the Chancellor of the Exchequer, to state the results of it to the House, or to enter into any explanation as to the finances of the country. He condemns the Government for what he himself recommended and concurred in, and with almost ludicrous anxiety about the finances of the country, proclaims that they are seriously endangered by a measure which he but a short time since supported. I should be wasting the time of the House if I were to dwell longer on this topic. I should almost insult them if I were to ask whether they agree in the censure of the worthy Alderman, and whether they are prepared with him to condemn the Government for having honestly, faithfully redeemed the pledges which they gave to the House and to the country with regard to the Penny Post? It is not possible the House can agree in that condemnation. As long as it was possible to impute bad faith to the Government in this matter it had been done. While the four-penny rate of postage was in operation, although it was distinctly stated to be merely temporary, and introductory to the complete adoption of

Mr. Rowland Hill's plan, it was day after day industriously asserted that the Government had abandoned that plan, and had permanently substituted the fourpenny for the penny rate; and now, when that charge has been refuted, one of the original supporters of the system of Penny Postage, invites the House to condemn the Government for having carried that system fully and fairly into effect. The hon. Baronet expressed a hope that the landed interest in the country might know what were the intentions of the Government. I suppose the hon. Baronet to have referred to the question of the Corn-laws. I should have thought that the opinions of the Members of the Government on this subject had been sufficiently expressed in the course of the last Session. It has, however, been made a subject of complaint that this was an open question. But I would ask, are hon. Gentlemen opposite, all agreed upon this subject? Are they all prepared to vote against a repeal or alteration of the present Corn-law? Has the hon. Gentleman ascertained whether the Government, which will be formed in the event of this motion being successful, will concur in resisting an alteration in the present Corn-law? I have a right to ask, and the House ought to know what course is to be adopted with regard to the Corn-laws if the right hon. Baronet should again be at the head of the Government? This question is a most important one, and one on which a deep feeling exists throughout the country. It is the more necessary that the House should receive some explicit assurance from the right hon. Baronet on this subject, on account of certain opinions which have been recently proclaimed by a near connection of the right hon. Baronet while engaged in the canvass of the borough which I myself have the honour to represent. It is scarcely possible that the hon. Baronet, the Member for South Devon, can be ignorant of those opinions, delivered as they have been in a part of the country with which he is intimately connected. I will read to the House what the right hon. Gentleman, to whom I have referred, is reported to have addressed to his friends in the borough of Devonport, with reference to this subject, and I will read it from a newspaper, in which it is not at all likely that the opinions of the right hon. candidate would have been misrepresented, namely, the "West of England Conservative." Mr. Dawson is reported in that Paper to have said:—

"But the most important subject of all was undoubtedly the Corn-laws, and he had found in the progress of his canvass, that his opponents had endeavoured to injure him with the electors, by misrepresenting his opinions on that subject. It had been said, that he had come here prepared only to look after his own interest as a landed proprietor; he certainly thought such a mode of opposition was not creditable to those who had set it up. This much he could say—it was far from the truth; for whatever might be his individual interests, he was prepared to sacrifice them if he found they were opposed to the general good. He had gone into houses where he had seen swarms of children, and the mother had anxiously asked him how she could feed them? That the father toiled from morning till night, but could not sufficiently supply their wants. He had found this in a great many instances, and if he had any previous indisposition to the modification of the Corn-laws, such a state of feeling would remove it. Why it would be useless for him to attempt to contest the borough under such a state of things, and if he won it, it would be like Richard won Lady Anne—

'Was ever woman in this humour woo'd?
'Was ever woman in this humour won?'

Why, it would be what Shakspeare called 'All the world to nothing.' He begged to say that on the call of the constituency, he could not refuse to help them to get a cheap loaf."

This is not the first occasion on which an important change of opinion in the mind of the right hon. Member for Tamworth has been first intimated through the medium of his right hon. relative. The right hon. Baronet seems now to deny that there has been any vacillation in his mind on this subject, or that he is prepared to assent to a modification of the existing Corn-law; if this is the case, I shall deeply regret it, in common, I am sure, with my constituents, who were led to indulge the hope that he concurred with his right hon. relative; that hope was in some measure founded on the circumstance that Mr. Dawson, fairly and legitimately I admit, availed himself of his connexion with the right hon. Baronet in order to assist his canvass. He stated shortly after the speech upon the Corn-laws, to which I have referred, that he was in communication with the right hon. Baronet on the subject of the election, and that he had just received a letter from him, expressing the deep interest which he felt in the result of the election, and his satisfaction at the success which had attended his canvass. [Sir *R. Peel* enquired for the authority for that statement.] I have not the document with me, I speak of it only from memory, but I am confident I am correct as to the substance of what was stated by the right hon. Gentleman. It is true there was nothing in that statement respecting the Corn-laws, but can it be supposed that when the right hon. Gentleman had reported to the right hon. Baronet the progress of his canvass, he had abstained from communicating to him, at the same time, the means which had obtained that success? Is it possible that he should not have informed him, that but for the opinions which he had avowed on the Corn-laws, the canvass would have been altogether hopeless? It is moreover, remarkable that the communication from the right hon. Baronet, the substance of which was publicly made to the right hon. Gentleman's friends, at Devonport, contained a prediction of this very motion, or at least that there would be a great conflict between the opposing parties, in this House, immediately on the meeting of Parliament. These circumstances render it, I think, incumbent on the right hon. Baronet to state explicitly what his views are upon the Corn-laws, and holding the opinions which I do upon that subject, and anxious as I am to see a material modification of the present law, I should be extremely sorry if the right hon. Baronet should disappoint the expectations which have been excited by his right hon. relative, canvassing for a seat in Parliament, at once as a candidate for office under the future government of the right hon. Baronet, but as an opponent of the existing Corn-law. Another subject which has been referred to is the state of affairs in China. Now, much as the events which have recently occurred there, are to be regretted, I ask whether those events can be imputed to her Majesty's Government? And whether the Government has not done everything which could be done for the protection of the British interest, and for maintaining the honour of the British flag? Papers containing the fullest information as to these events have been laid on the table, and we have been told that the subject is one which must occupy the attention of the House. Is the House, under these circumstances, prepared, before those papers can be read or examined, and without the attempt to bring a specified charge against the Government, to condemn the Government unheard, on the mere ground that disputes have arisen between the Chinese and the British authorities at Canton, and that a great sacrifice of property has unhappily taken place. With regard to our Colonial possessions, I am glad to be relieved from the necessity of addressing the House at any length on the present occasion, owing to the very trifling space which they have occupied in the speeches of the hon. Mover and Seconder of this motion, and which is the best proof that in that portion of our empire but little could be found on which to prefer an accusation. The worthy Alderman is, I believe, connected in his commercial transactions with our North American possessions, and I will therefore ask him, whether his accounts from those provinces do not lead him to believe that there is now a prospect of a settlement of the affairs of the Canadas on terms satisfactory at once to the inhabitants and to the people of this country; if, indeed, the House of Commons will support the Government in carrying into effect the measures about to be proposed for this object. The administration of my right hon. Friend, the Governor-general of the Canadas, against whose appointment by the way, though much has been said out of doors, not a word has been uttered here, has hitherto been attended with the most cheering prospects; and I believe that nothing is likely to mar those prospects, or to frustrate his complete success in the arduous task in which he is engaged, but an intimation to the Colonies that the House of Commons is about to withdraw its confidence from the Government, and to refuse its support to them in the settlement of this important question. With respect to Jamaica, I may be allowed, as a supporter of the Bill orignally submitted to Parliament by her Majesty's Government last Session as to this colony, to express my sincere satisfaction at the results, so far as they have been ascertained, of the proceedings ultimately adopted, and I earnestly hope that the warning given to the Assembly, will not be without a permanent effect, and that they will prove themselves fit to be entrusted with the legislation for the Colony, by evincing a spirit of fairness and impartiality towards all classes of the inhabitants. But when the credit of the course actually adopted last Session is claimed for the right hon. Baronet, I must express my doubts as to whether this claim is well founded. When accounts were received in this country of the disposition of the House of Assembly, on the arrival of Sir C. Metcalf to proceed to business, there appeared in the columns of the *Times* newspaper a statement purporting to be from a correspondent, which was evidently written by one intimately acquainted with the feelings and opinions of the Assembly, and whom I can believe to be no other than the agent for the Colony; after expressing in that statement his satisfaction at the prospect of affairs in Jamaica, he proceeds: that this desirable result was attributable to the tone and character of the discussion in the House of Lords; adding that this result would not have been produced by the mere rejection of the first clauses of the Bill, if there had been no other discussion but that which took place in the House of Commons. "It was felt (he adds) in Jamaica, that the course taken by the Conservative party in that House, on the second Jamaica Bill, in connection with some of the speeches, indicated too great a distrust of the Assembly—too great a readiness to believe what had been unjustly urged against that body, and too little desire to ascertain its truth." Sir, this is only one of the indications that the views and policy of the right hon. Baronet do not go far enough for his supporters. I wish to speak of the right hon. Baronet with that respect which is so justly due to his high character, great attainments, and distinguished talents; but it is impossible not to perceive that his tendency to liberal views, and his deference to public opinion make him obnoxious to many of those who sit around him. Before I quit the subject of our Colonies, I cannot help expressing my astonishment that we have not one word, on the present occasion, with regard to that great and important portion of the British empire—India. Does this afford no ground of charge against her Majesty's Government? When the operations which have been attended with such complete success in that quarter of the globe, were first announced, the Government was threatened with attack. The right hon. Baronet, the Member for Pembroke, in the course of the last Session, was so anxious to impugn the policy of the Government, that he gave notice of a motion on the subject, for an impossible day, in the middle of the Easter recess, evidently wishing to intimate that he had taken the very earliest opportunity of bringing it before the House. This promised motion, however, has never, from that time to this, been brought on; the policy of Lord Auckland has been attended with signal success; and the House, I have no doubt, in the course of a few days, will concur in an unanimous vote of thanks to the British forces, by whom a glorious triumph has been achieved. Is it, then, on account of the state of Indian affairs, that the motion now proposed is to be adopted; and is the House to withdraw its confidence from the Government, because in India new lustre had been reflected on the British arms, and new fields opened for commercial enterprise? This at least must form an important item in the accumulated charges against her Majesty's Government.

On one point I must express my satisfaction; I rejoice that, if I am to judge from the speeches of the hon. Baronet and the worthy Alderman, the House is not, on the present occasion, to be drawn into a discussion on those religious topics, on which so much has been said out of doors against the Government. Nothing has been said on the subject; and I presume, therefore, that it is not to be made a charge here against the Government, that they have not suffered the Roman Catholic Relief Act to remain a dead letter; but that a few Roman Catholic gentlemen, of high attainments, hold office under the Government. I am sure that the right hon. Baronet, the Member for Tamworth, did not intend that that Act should be inoperative, and that he does not sanction exclusion from office contrary to the letter and the spirit of that Act; and I should deeply regret that countenance should be given in this House to the principle of such exclusion. I am not aware that there is any other point in the speeches of the hon. Baronet and the worthy Alderman, to which it is necessary for me to reply. It has, indeed, been alleged that the Government is perpetually tampering with the institutions of the country. I should have thought that against any danger from this source, the formidable array on the benches opposite, and in the other House of Parliament, would afford a tolerable protection. But this is not the opinion entertained by all the Members of the party opposed to the Government. I find one of the most eminent leaders of the Conservative party in the other House, I mean Lord Lyndhurst, in a speech made at the close of last Session, and widely circulated through the country, entitled "the Labours of the Session," complaining, not that the Government had been tampering with the institutions of the country, but that they had done nothing, and were unable to do anything. His great boast was, that the Government could effect nothing without the consent of those opposed; and that there was an absence of legislation on those subjects on which the Government entertained opinions differing from his, but agreeing with the majority in this House. But to what cause does the noble and learned Lord attribute this absence of legislation? This is a most important point for consideration before the House comes to a vote on the present motion. I refer to it as evidence, that the right hon. Baronet, the Member for Tamworth, is connected with a party, some of the leaders of which are opposed to his views. The talents and the opinions of the right hon. Baronet, may recommend him to this House as a popular leader; but looking at the party by which he is surrounded and encumbered, the House must form its judgment of the policy of the future Government, not by the standard of the right hon. Gentleman, but by the views of hon. Gentlemen on whose support he must rely, and whose opinions must influence his Cabinet. Now, what does Lord Lyndhurst say in the speech to which I have referred? After alluding to the absence of legislation till a late period of the Session, he says—

> "This is a striking illustration of a statement made by anticipation by my noble Friend the noble Duke below, when he asked at a former period"—that was when the Reform Bill was under discussion—"with reference to a House of Commons composed as the present is, 'How is the King's Government to be carried on?' The anticipation of the noble Duke has been amply verified by the result, for so long as the House of Commons continues to be a House of Commons, or the form of the representation of the country what it is, the Queen's Government cannot be carried on; and it is not until it ceases to assume that shape, that anything like legislation can be conducted through the House by her Majesty's Ministers." *

Such is the description given of the reformed House of Commons by a distinguished leader of the Conservative party in another place. If at present, in this House, there is one point more than another on which hon. Gentlemen opposite appear to pride themselves, it is their adherence to the Reform Act. One can hardly help smiling at this new-born zeal for Reform, and at the warm professions of attachment to the Reform Act which are so frequently heard from the other side of the House. The attachment, however, is evidently to the defects of that Act; to whatever in it impedes its successful operation, and tends to deprive the people of some portion of the benefits which they anticipated from it. If any proposal is made for the improvement of that Act, not merely for an extension of the suffrage, which I am not prepared to advocate, but for the removal of any defect in its machinery, hon. Gentlemen opposite rise up in large numbers to declare their determination to maintain the Act in all its integrity. Now, however, in direct opposition to their avowed adherence to the Reform Act, we have the declaration of one of the chief Conservative leaders, made, it is true, in a different atmosphere from that of this House, that the Reform Act is the great impediment to the progress of legislation, and that until this House ceases to assume its present shape, no remedy can be applied to the evil. The question then is, are the opinions of the right hon. Baronet or those of Lord Lyndhurst to prevail in the future Cabinet? The House has a right to inquire whether, in the event of the present motion being carried, and a new Government formed, it will be conducted on the policy of the right hon. Baronet or of that noble and learned Lord. I do not doubt the sincerity of the right hon. Baronet in his wish to adhere to the Reform Act, but the House should require some security for his being able to act upon his own views. There is another subject which these observations suggest. We have recently been engaged in an embarrassing conflict for the maintenance of our privileges, and the right hon. Baronet, the Member for Tamworth has taken a part in these proceedings which entitles him to the highest praise, and has justly secured to him the warm admiration of the greater portion of those who sit on this side of the House. Single-handed on that side of the House, with the exception of one speech from the noble Lord, the Member for Marylebone, he has fought the battle for our privileges, and the House and the country owe him a debt of gratitude for his conduct. But how did his own party regard the conduct of their leader? What degree of support did they give him in that course which he stated he believed to be essential to the due exercise of the functions of this House? It was amidst the cold looks and averted regards, if not the open opposition of those who profess to follow him as their leader, and are pre-

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* Hansard (Third Series) vol. l. p. 497.

pared to vote with him on the present occasion, that he contended for the maintenance of privileges, the abandonment of which he declared would induce him to abdicate his seat as a Member of that House. What would be the result if this motion should be successful and if, according to the sanguine predictions of some hon. Gentlemen, though perhaps qualified by the recent elections, he should appear in this House at the head of the Government, surrounded by a large majority of supporters. Where would be the security for our privileges in that majority? No; his own followers will not trust him with a House of Commons that is not shorn of its privileges, and deprived of the effectual power of exposing abuses, and influencing public opinion by that exposure. Let me only refer to the language of the hon. Recorder of London on this subject. In one of those impassioned declamations with which he favoured the House in the course of those discussions, he imputed all the blame, as he conceived it, of the course adopted by the majority, to the Government, and when reminded that he was in error, he made it a matter of boast that but a "small fraction of the Conservative party" had been found in that majority. A small fraction of the Conservative party! Is this the estimate formed of the right hon. Baronet by those who profess to support him? by those who cordially unite with him on the present occasion, but who will not support him in any measure of a liberal character, when he prefers good to evil, and light to darkness? Of whom, let me ask, did this small fraction of the Conservative party consist? It comprised, besides the right hon. Baronet himself, the noble Lord the Member for Lancashire, although he gave but silent support; the right hon. Baronet the Member for Pembroke; the right hon. Gentleman, the Member for the University of Cambridge; and the right hon. and gallant General, the Member for Launceston. Now, the House will remember that in the course of the explanations made of the transactions which took place last May as to a change of Government, the right hon. Baronet stated to the House the names of those noblemen and gentlemen with whom he had conferred, and who, it may be assumed, would have been Members of his his Cabinet. Four of them were Members of the other House; the remaining four were those whom I have just named, and who were all comprised in the contemptible "fraction" of the Conservative party. In alluding to this neglect, I have certainly no wish to wound the feelings of the right hon. Baronet. I trust that he will receive the approbation, not only of the House, but of the country, for the course which he has taken in the vindication of our privileges, but it is an essential matter for the consideration of the House how far the liberality—the just and enlightened views of policy entertained by the right hon. Baronet will be controlled by his own party, and how far he will be able to command their support in the liberal measures which he may deem it necessary to bring forward as essential to the interests of the country. The present is not a question of party, but of principle; and I ask the House, before they consent to transfer their confidence from the present Government to hon. Gentlemen opposite, to consider well the principles by which each are guided. Try the principles of one side or of the other by whatever test you please, and you will find that the one are the principles of progressive improvement—the other either lead men to a retrogade movement, or compel them to be stationery, and to oppose all further progress. Look at their results. The principles which have hitherto been maintained by the majority of this House are identified with every great improvement which during the present century, has taken place in our laws and institutions. It is to the steady assertion of these principles, that we owe the repeal of the Test and Corporation Acts, carried on the motion of my noble Friend (Lord J. Russell), when out of office, against an opposing Government, and removal of the restrictions and disabilities under which our Protestant dissenting brethren had long laboured. It is to the firm adherence to the same principles that we are indebted for the great act for Catholic Emancipation and the repeal of the laws which had doomed a large portion of our countrymen to political degradation. I will not indeed, detract from the merit justly due to the right hon. Baronet for manfully avowing his change of opinion on this question, and at once acting on that avowal, but I must regret that the necessity for this measure was not sooner foreseen, and that notwithstanding the repeated warnings of those who maintained the principles I now advocate, it was postponed until, I will not say, the grace of the concession was lost, but, until, to use the striking language of Mr. Burke, it was a late reformation, and partook, therefore, not so much of the character of an arrangement made with a friend in power, as of terms imposed on a conquered enemy; and many of the advantages which were expected from it, were consequently lost. These principles have opened to us the commerce of the East, and in the West have raised 800,000 of our fellow-subjects from a base and degrading slavery to the rank and the privileges of freemen. These principles have subjected municipal corporations in England and Scotland to popular control, and have won from reluctant opponents a concession of the same principle as it respects Ireland. It is to a strenuous adherence to these principles in the face of a determined opposition, that we owe it, that we sit here, not as the nominees of individuals, but as the representatives of the people. This is but an imperfect catalogue of the measures which have resulted from the principles professed by her Majesty's Government and hitherto supported by a majority of this House. I leave it to hon. Gentlemen opposite, who shall follow me in this debate, to bring forward their catalogue of measures which have resulted from the principles which they ask you to adopt. The measures which I have enumerated are some of the memorials, which when the party conflicts of the day shall cease to be remembered, and the passions which now agitate us, shall be stilled for ever, these, I say, are the memorials which, handed down to posterity, interwoven in our institutions, will be felt and appreciated by our latest descendants, and will secure from them a veneration for the principles which achieved these trinmphs. These principles you are now invited by hon. Gentlemen opposite to abandon; but it is with the most intimate conviction, that to such an appeal and from such a quarter, one response only can be given, that without the slightest apprehension as to the issue, I offer a direct negative to the motion of the hon. Baronet.

Lord *Granville Somerset* had no wish to occupy the attention of the House at that period of the debate, but after some of the observations which had fallen from the right hon. Baronet, he should consider that he was not discharging his duty if he did not offer some comment on the statement which the House had just heard. The right hon. Baronet had alluded to the late lamentable events in Monmouthshire in a tone which utterly astonished him. Was the right hon. Baronet aware that the events which had occurred there had been the destruction of all social intercourse and comfort—that they had paralyzed industry—that they had thrown thousand of persons out of employment, and that large amounts of capital were now producing no advantage to the owners? He should have thought that these were circumstances that might have led to the adoption of anything else than a tone resembling one of levity; and he certainly could not have conceived that any comments upon these events, as had been the case of those of the right hon. Baronet, would have been received by the House with laughter. Was there anything so trifling in these proceedings which led to the loss of the lives of twenty-six men? Was there nothing to be regarded in the wounding and maiming of so many more persons? And in the alarm which was consequent on the march of so large a body of armed men into Newport? Was there nothing to be regarded in the appointment of the special commission—the result of which was to leave the lives of three men as it were in a balance? He did not see any ground for laughter at these proceedings; and he confessed that he thought they would have been treated in a very different manner by any Member of her Majesty's Government. But the right hon. Baronet might depend upon it that the line of argument he had thought proper to adopt would not receive the approbation of the British public. In the first place, the nomination of that unfortunate man, Mr. Frost, to the magistracy, was in conformity with a general rule laid down by the noble Lord opposite with regard to the appointment of magistrates under the Municipal Corporation Bill. He had never approved of that rule—he had always said it was faulty in principle, and would be so in practice, and the result had fully justified his prediction. But so far from this principle, however faulty, having been fairly carried out, he could mention several instances in which it had been departed from, and should only now remind the noble Lord of the instance of the city of Bristol where the recommendation of the Town-council to appoint certain gentlemen as magistrates had not been attended to. With reference, however, to the appointment of the unhappy individual to whom he had just referred to the magistracy of Newport, he would appeal to any man who was at all connected with the county of Monmouth, be he Whig or Tory, whether it was not to the circumstance of giving this individual so much power and influence, that had led to his resorting to those proceedings which had had such an unhappy termination. This was the opinion of nine-tenths of the inhabitants of the county of Monmouth. He had made up his mind not to have said a word with respect to this person until the present investigation, in which he was so deeply concerned, had been decided; and he should have adhered to that resolution but for the tone adopted by the right hon. Gentleman. The political opinions entertained by that unfortunate man were not stronger at the period of the recent disturbance than they were in 1826, or before that period. But in addition to the opinions which he entertained, was it not notorious that he had upon two occasions previously incurred the most severe censure of the Chief Justice of England? Was the noble Lord not aware of this when he appointed him to the magistracy? And was he not told, in a communication which was made to him, that if he wanted any evidence or confirmation of this, it should be furnished to him?

Lord *John Russell* observed across the table that he had communicated with the lord-lieutenant of the county on the subject.

Lord *Granville Somerset:* Would the noble Lord consent to produce the communication which had been sent to him in the first instance? But was the lord-lieutenant made acquainted with the charges which had been brought against Mr. Frost? And did he, after a communication on the subject with the noble Lord, sanction his appointment to the magistracy? If the Lord-lieutenant did so, the gentleman who had made the charge was ready to come to the bar and make good the statement that he had made to the noble Lord on this subject; at any rate, the letter which the gentleman had written to the noble Lord on this subject was in his possession, and he trusted he would not hesitate to produce it. But he believed the noble Lord was fully aware of these proceedings, for a late honourable Friend of his had brought the subject before the House, and Mr. Frost was not dismissed from the magistracy until after that period, and that person had made many of his most violent speeches before January 1839. He believed that a great deal of the mischief that had arisen in the district with which he was connected, was attributable to the seditious and incendiary publications which were distributed there, and no steps whatever had been taken for their suppression. If the noble Lord had done anything to suppress them, he was not aware of it; but at any rate, whatever he did was at too late a period to produce any good effect. The newspaper to which he alluded continued to be published and circulated amongst this large and dense population; and it was the opinion of the local magistrates that if the disturbance were attributable to any one thing more than another, it was to this seditious newspaper. Because he did not wish, directly or indirectly, to influence the fate of any individual; but he would not allow the right hon. Baronet to suppose that he had a right to triumph in the mode in which these prosecutions had been conducted. The hon. Alderman who spoke second in the present debate had made many observations with respect to the condition of Monmouth, in which he fully concurred. He agreed with him, that the population of that part of the country were in the enjoyment of comparative comfort, that they had been a fine and an honest population, and that recent events strongly proved how true that statement was. In a winter's march of eighteen or twenty miles, their conduct was marked by extraordinary honesty; they were guilty of no violence—no thieving; they took nothing without paying for it. The half-dozen exceptions to this general character which might have occurred, did not materially affect the position for which he contended—namely, that the people of Monmouth had behaved with extraordinary honesty, and had in their late progress, when moving in a great body, and under very peculiar circumstances, been distinguished for a remarkable abstinence from violence, or any species of crime, excepting that which had immediate and direct reference to the object they had proposed to themselves. He had regarded that circumstance as most alarming. During the whole progress of that vast mob, they never betrayed the least disposition to abandon the main object with which they first set out. There could be no question that they were during their march guilty of this species of violence—they pressed individuals into their service—men were forced to join their ranks; but, with the exception of that, their forbearance was quite extraordinary; there was nothing of tumult, nothing of riot. He regretted to be under the necessity of troubling the House with these few words, but he must be permitted to repeat his conviction that such a state of popular feeling formed very just ground for alarm, and he lamented to say that the evil which prevailed in that part of the country had not been put down; immense irritation still continued—irritation which, he feared, would mar the prosperity of that district for many years yet to come. There was hardly a portion of the country in a more happy and prosperous condition, but he feared that for a long time it would have to endure a sad reverse. Let him not, however, be understood as recommending any application of the law more severe than had yet been resorted to. He did not give any such advice, but this he did not hesitate to say, that unless some means were adopted to prevent the spread of blasphemous publications amongst the inhabitants of the mining districts, the Government must look for a periodical recurrence of the scenes which had recently taken place; the Crown might issue special commissions, and there might be numerous executions; the law might be carried into effect with the utmost rigour, but the existing sentiment would not be put down, and no material change would by such means be effected in the feelings of the people. No man could shut his eyes to the fact that there existed in that part of the country a strong conviction that popular agitation was a thing which her Majesty's Government felt no inclination to discourage. Without meaning to prefer any personal accusation against the hon. and learned Member for Dublin, he wished to take the liberty of observing, that the people in the disturbed districts of Wales were not slow to perceive that that hon. and learned Gentleman was generally supposed to influence the judicial appointments in Ireland; hence they inferred that agitation met with no disfavour in the eyes of the Queen's Ministers, and next they proceeded to draw this other inference, that agitation on one side of the water was quite as lawful as on the other. They could not understand why there should be one rule for Ireland and another for Wales. They perceived that the population at one side of the channel agitated to obtain redress of what they conceived to be their grievances, and there appeared to them no valid reason why Englishmen and Welchmen might not pursue a course which the Government did not appear to discountenance in their Irish fellow-subjects, and which, to some extent, might be considered successful. The Irish agitated for a repeal of the union; that was an engagement not more binding or solemn than the legal provisions under which the elective franchise in this country was exercised. If the one could lawfully agitate for a repeal of the legislative union, why could not the other for an alteration in the legislative system? If the patronage of the judicial bench were dispensed by the leading agitator, what had they to fear, and had they not everything to hope, from following in his footsteps? He had not risen with the intention of entering into a detailed discussion of the various points in the speech of the right hon. Baronet, but before he sat down he might be allowed to say, that if all topics were justifiable in an election harangue, it would appear from the speech which the House had just heard, that all sorts of logic might be used in a parliamentary speech; otherwise he could not understand with what propriety the corn laws could be connected with the late speech at Devonport.

Mr. *Hawes* said, it had been laid down that a great country cannot carry on a little war; but after the debate he had heard that night, he was sure that a great party could carry on a very great war with very little speeches; for of all the speeches he had ever heard delivered on so important an occasion as the attempt to change the policy of the Government of a great country, he had never heard any made up of such slight materials, or, especially in the case of the last speech, of matter so irrelevant to the subject. The noble Lord had not said a single word on the general policy of the Government. This was a debate of the very highest importance to the empire. It was an appeal, not to parties in that House, but to the people out of doors, and no party, he fully believed, ever made that appeal with more just confidence than did the Liberal party on this occasion. It was incumbent upon the party on the opposite benches now to express openly, honestly, and distinctly, what were their opinions their principles, and their views, and he challenged them, in the name of the British nation, to do so. They must not now put the House or the country off with vague generalities; but they must explicitly declare what were the principles on which they proposed to carry on the government of the country. The Government and its opponents were now appealing to the country — appealing to the country as a jury: he must admit, that the jury appealed to had evinced a rather decided indication of a bias in favour of Government, by returning to that House, from all parts of the country, Gentlemen who were the declared supporters of the policy of the Government. Whether the metropolis of Scotland was appealed to, or the metropolis of England—whether a seaport was contested, or the great inland and central town of Birmingham, all alike returned Members to this House to confirm the policy of the Ministers. He was prepared to show by figures and details that under the present administration, the material condition of the people had improved. That none of the main elements of our prosperity had diminished during the period of Whig Government, he would repeat the main elements of our prosperity. so far from having undergone deterioration, had made advances, and if this were so, it would be for hon. Gentlemen opposite to show what course of policy they were prepared to pursue, which should either heighten that prosperity, or avert the distress under which circumstances now placed the country. Hon. Gentlemen, since the accession of the Whigs to power, had twice had an opportunity of taking the Government. Once they tried the tone and temper of the country, and were driven from their very brief possession of power by the vote of this House, and on a recent occasion they were forced to drop the reins of power almost as soon as they had taken them in their hands. In 1835, when the great object of the right hon. Baronet opposite was to form an administration, calculated to obtain the respect and esteem of the people, he discarded his old Tory principles, and did not think of attempting to form an administration on the legitimate principles of his old party. The two first Gentlemen to whom he applied for aid and support were the noble Lord the Member for North Lancashire and the right hon. Member for Pembroke, both of whom had since joined his ranks, though they declared that in changing their places they had not changed their opinions. Thus it was clear that the right hon. Gentleman was obliged to abandon the principles of his old party, and to form his government on those of the Whigs—on those Whig principles which were described as so destructive of the best interests of the country. When, therefore, hon. Gentlemen opposite called upon the House and upon the country to sanction them in removing the present Whig administration, and in altering the policy which had hitherto been adopted by that Administration, it was at least incumbent upon them to make out a more than ordinary case to justify the change. He would repeat that there was no material element of our national prosperity which had been injured by the policy of her Majesty's Ministers. In order to show this, he would state to the House the facts which he had obtained from a reference to the various statistical tables before the House. It was perfectly fair to infer the condition of the people from the consumption of the principal exciseable commodities, and he found a marked increase in all the main articles of consumption. He would first call the attention of the House to the increased consumption of some articles which had been alluded to, in 1832, by Mr. Poulett Thomson, at that time President of the Board of trade, and the accounts of which he had brought down to the present time. The hon. Gentleman then read the following table:—

CONSUMPTION IN UNITED KINGDOM.

	1832	1838.	Incr.	Dec.
Tobacco -	20,235,468	23,339,736	15p'ct.	
Sugar -	3,665,535	3,909,665	8½ "	
Tea - -	31,548,407	32,351,593	3 "	
Coffee -	22,952,527	25,765,673	12¼ "	
Cocoa -	1,150,193	1 601,787	39 "	
Soap -	129,853,795 lbs.	172,123,916 lbs.	33 "	
Plate -	76,322 £ dut pd	97,872 £ dut.pd.	28 "	
Spirits, Brit.	21,346,753	26,486,543	24⅔ "	
Ditto, For.	5,171,444	4,357,313	. . .	18⅝ p'ct.
Total -	26,518,197	30,843,856	17 "	

The increase in all these great articles of consumption, was a clear proof that, so far, at least, the condition of the people had not deteriorated under the present Government. As regarded cotton wool, the facts were also most satisfactory. The increase in this article stood thus.:

	1832.	1838.	Increase.
Cotton wool	259,412,463	455, 036,755	75½ per ct.
Sheep's wool	27,666,350	55,319,597	100 "

Taking the article of timber, there was a large increase:—

IMPORTED TIMBER—UNITED KINGDOM.

	Loads.	Loads.
1814	181.148	29.744
1830	457.337	50.204
1838	647.061	72.737—45 per cent.

As regarded steam-vessels, the case stood thus:

	1830.	1836.	1838.
Number of Vessels	315	600	810
Tons - .	33,444	67,969	87,907

These two accounts, showing as they did, large investments of capital in solid undertakings, was a clear proof that the policy of the Government had been met with no want of confidence of the commercial part of the community. As regarded the shipping of the country, the statement he had prepared showed the following results:—

TONNAGE. UNITED KINGDOM.

	1814.	1830.	1838.
Tons	2,414,171	2,201,592	2,420,759
ENTERED INWARDS IN THE FOREIGN TRADE OF THE UNITED KINGDOM.			
Tons	1,889,535	2,938,870	3,501,254
COASTING TRADE OF UNITED KINGDOM.			
Tons	not known	9,121,619	10,491,752

It was to be recollected, that in 1814, the time of the general peace, we were the carriers of the whole world, without competitors in the carrying trade, whereas we had now rivals in every maritime country; yet, despite this circumstance, and despite the further circumstance, that the Registry Act of 1827 struck a large amount of our tonnage out of the official accounts, those official accounts showed, that it had only taken us twenty-five years to regain the position we had occupied when we were without competitors in the carrying trade of the world, and not only regain that position, but to advance beyond it. This was a striking fact in proof of the progress of our commercial prosperity under the government of the present Administration. Then, again, look at the immense investment of capital in railways which has taken place during the period of the present Administration—another striking illustration of the confidence of the commercial part of the country in the stability of the country. He found, that up to 1830, there had been sixty-one railway acts passed, while, since 1830, there had been 103, making altogether 164. The number passed in 1830 was eight; in 1831, nine; in 1832, eight; in 1833, eleven; in 1834, fourteen; in 1835, eighteen; in 1836, thirty-five. The case as regarded, the net revenue paid into the Exchequer stood thus:—in 1830, the amount paid was 50,556,616*l.*; the amount paid, in 1838, was 47,333,459*l.*; and taking into consideration, that between these periods, upwards of six millions of taxation had been repealed, this showed that there had been a solid increase of three millions and a quarter. Coupled with the repeal of taxes to so large an amount, this was a proof of solid and growing prosperity. But there were other proofs which showed the improved condition of the people, and how far the alarms propagated by hon. Gentlemen opposite were warranted. In 1830, the net amount of the balances in savings' banks was 13.507,565*l.*; in 1838, the amount was 21,398,312*l.*; in 1839, the amount invested was 23,500,000*l.*; the number of depositors was increased in 1839, by 40,000, and the amount of their deposits 1,200,000*l.* Besides, under the act which passed a few years ago, to enable parties to invest their savings in the purchase of small annuities, the amount of annuities purchased was already 12,000*l.*, and the building societies, authorised by the same act, for the purpose of enabling those parties who preferred it to club together their savings for the purpose of building small houses, already exceeded 300 in number. Again, with respect to the poor-laws, the enormous saving accruing to the country, and the improved condition of the people arising out of that measure, afforded the most striking evidence of the wisdom of those who had been in office since 1830. For he knew not how many years previous to that period the House was deluged with petitions calling on them to amend the condition of the people and the laws relating to the relief of the poor, but nothing was done. No Conservative statesman came forward to amend those laws. Nostrums were suggested, remedies proposed, but no Government took part in the great question until the present Ministers acceded to office, and in return never had any measure been assailed with more misrepresentation and abuse. And let it be borne in mind, that the great declaimers against that measure, though they had never dared to face its supporters in a fair discussion of the subject, had been found in the ranks of the party opposite. The reduction of expense since made by this measure, as compared with 1834, were not less than 3,300,000*l.* Let him now turn to the foreign policy of Ministers. Here, he believed, they had given as much satisfaction to the country as in their home administration. Take the Austrian treaty, for instance. He had taken some pains to ascertain from high mercantile authorities what the effect produced by that measure had been, and he would read to the House the opinion which he had elicited from an authority on which he had the fullest reliance. It was as follows:—

"The results of the Austrian treaty, and the modifications in the Austrian tariff, as well as in the quarantine laws which were made contingently with that treaty, have, as far as our accounts come down, shown a great increase of freights to British ships, by the privilege secured of admitting them direct, with their cargoes from all countries, into Austrian ports. Since the ratification of the treaty, about 250 British ships have arrived in the ports of Trieste and Venice from ports not British, chiefly from Cuba, Porto Rico, and South America, with coffee, sugar, &c., which coffee and sugar they could not bring to an English market for consumption, on account of our high prohibitive differential duties on foreign sugar, to favour those of our own colonies. Most of these ships sailed in the first instance from London, Liverpool, and Glasgow, with British manufactures, or from Newfoundland with fish, for Cuba and South America, where they found freights and markets for their cargoes, and then freights to, and markets again in Austrian ports; from whence they have invariably found freights for the United Kingdom. Lately no less than four ships have arrived in London from Trieste, laden with tobacco; others with grain, flax seed, cotton, timber, &c. Freights with merchandise, especially in iron, coals, earthenware, herrings, pilchards, &c., as will appear when the returns are laid before Parliament, have greatly increased since the alterations in the commercial relations with Austria; and the commerce in the products of Hungary by the Danube, opens a most extensive new trade for England. The value of goods sent by the Rhine and the Elbe in transit to the Austrian dominions are stated at the sales, especially those made at Leipsig, to have increased very greatly. This will be evident when it will be seen, that notwithstanding the Germanic Union of Customs having raised the duties on many British articles, as woollens and cotton manufactures, yet the amount exported will appear by the official returns as having considerably increased."

In his opinion, this treaty might stand as an example to all future statesmen; it was impossible to point out a measure more immediately productive of the most beneficial results. Never had there been a period of five years in which more had been done for the trade and commerce of this country than had been effected by the administration, whom gentlemen opposite thought proper to describe as weak and inefficient. He had referred to several of the larger articles of consumption in which an increase had taken place, and before he quitted this subject he would read to the House a list of smaller articles, a reduction of the duty on which had led to increased consumption.

RESULTS.	1833.	1838.
Anatto . .	50,451 .	124,186
Cocoa-nuts .	313,074 .	666,516
India-rubber	29,958 .	178,676
Sponge . .	15,483 .	25,006
Vermicelli and Macaroni .	41,012 .	79,864

Thus was proved the wisdom of a judicious reduction of taxation.

The general account of imports and exports since the Whig Ministry came into office was as follows:—

	Imports. Official.	Exports. Official, Brit. and For.	Exports declared value.
1814	33,755,264	34,207,253	45,494,319
1830	46,245,241	69,691,302	38,251,501
1838	61,268,320	105,170,529	50,060,970

But perhaps it would be said, "Oh, it is not so much the commercial as the political policy of the ministry, that we object to." Yes, no doubt the present state of Spain filled these Gentlemen with dismay and dissatisfaction; the chance of that country being governed in a peaceable and steady manner, on constitutional principles, was doubtless exceedingly disagreeable to the feelings of hon. Gentlemen opposite. A Government based on popular support was not the sort of government which met the approbation of those Gentlemen. But one objection stated by the hon. Gentleman opposite was founded on the agitation which he ascribed to the ministry, and their supporters, in carrying out the measures which they thought desirable. The agitation on the Poor-law question had been already disposed of by the right hon. Baronet near him, in his admirable speech, in a manner which rendered it highly improbable that the hon. Gentleman opposite would again touch upon the subject. But if ever the country were agitated, or had been attempted to be agitated, it was on the subject of education—a subject than which there was none more important, and he need not say whence this agitation had proceeded. Never had there been a question brought before the House with greater caution, with greater care; indeed, as he thought, it had been brought forward with too much care—with a great deal too much regard to the prejudices and opinions of hon. Gentlemen opposite; but, however, it was brought forward with the utmost caution; yet never was there a measure which had met with more fierce, more bitter hostility. He had no right to complain, and he never should complain, of fair, and open, and honest opposition; but when he found an appeal made to all the passions and prejudices of men—when he found a strenuous effort made to awaken all the old religious animosities—he could not but think it disgraceful to a great party to stoop to such means for the purpose of gaining supporters amongst the people of England. It was not to exaggeration and misrepresentation that it became men to resort, however earnest they might be in their views, and however they might feel the intrinsic weakness of their case. The misrepresentations on this subject could only be not considered wilful at the expense of the understandings of those who resorted to them. The intentions of the Government in reference to the character of the instruction of public schools had been most unequivocal. The decision of the committee of the Privy Council had been expressly declared. Their Lordships said one of their minutes,

> "Are, however, strongly of opinion that no plan of education ought to be encouraged in which intellectual instruction is not subordinate to the regulation of the thoughts and habits of the children by the doctrines and precepts of revealed religion."

Their Lordships declared it to be a *sine qua non* that every school which received a portion of the grant should be in connection with the National or with the British and Foreign Society; that the Bible should be read in all such schools; and that all the essential doctrines of christianity should be taught in them. It was distinctly and in every shape stated, that religion was the basis, the only basis of that education which the Government intended to support; yet the National Society, in their circular marked "private and confidential," and which was not intended to fall into the hands of the infidels, atheists, and socinians, who alone, of course, supported the Government plan; the National Society, in this precious circular, signed by a noble Member of that House, and sent round to all the clergy of England, invited them to subscribe in aid of the cause of church education as contradistinguished to purely secular education. The words of this document ran thus:—

> "It is obvious, however, that without some adequate support from the public, the society, which now maintains the cause of church education as contradistinguished from that imparted on purely secular or latitudinarian principles, will be unable to resist those managers of schools whose conscientious opinions coincide with their own."

This document was drawn up in the face of the clearest facts, and it appeared to him one of the most degrading characteristics of the present day, that attempts should be made to excite a popular prejudice against education by means so utterly unworthy. He must protest, too, against the National Society assuming itself to be the representative of the Church; it was an assumption for which this body of gentlemen meeting, in a corner of Westminster, had no authority whatever. He would repeat, that whatever agitation had been ever carried on by any party, on any subject, never had agitation been carried on in so unscrupulous a manner as that against education which had been resorted to by Members of the party opposite. As to the appeal which hon. Gentlemen opposite made to the support and sympathy of the country, his firm conviction was, that the more the principles of the present Government became known to the people, the more these principles were discussed, the more their measures were canvassed, the more would the public find reason to feel grateful to those who had maintained those principles, and effected those measures in the teeth of opposition, unequalled for force and fierceness. Nothing could be more vague than the resolution proposed; nothing more idle than to propose a resolution so worded, but as it was proposed, he presumed that the debate would not close without the House hearing from hon. Gentlemen opposite, what was the course of policy which they contemplated the introduction of, if they came into power. Whether they meant to get rid of the Reform Act, of the Municipal Act, of the Poor-law Act; whether they intended to refuse all education to the people, except on exclusive principle; to refuse admission to the children of the poor because they declined to repeat the Church catechism—or did they mean to propose a more liberal policy? Perhaps there might be some Gentlemen on that side of the House who might be disposed to support them in such a case; but hon. Gentlemen opposite must no longer skulk behind vague declamation and generalities, nor content themselves with bringing forward, from time to time, indefinite and factious motions. Let them distinctly state what it was they proposed to do. The interests of the country required a steady executive. Experience and skill in the government of the country were of great importance, considering the vast extent of our colonial possessions, and the extent of our commerce which was so largely conducted on credit. The interests of the country required, above all things, to possess a steady executive, [*Opposition cheers.*] Seeing the hon. Gentlemen opposite assented to his view of the question, as he might infer from that cheer, he thought the country would have a right to claim from them—if the decision of the House on this motion should be adverse to their views—some cessation in their constant assaults upon the government of the country; in their constant obstruction to useful legislation; in their constantly placing in peril the colonial interests of the country, which resulted from the incessant conflict of two great parties; a conflict which, while it produced instability in the Government, encouraged the growth of another party at the bottom of all, who were opposed not to this or that Ministry, but to all principles of Government, whether social or political. If, from time to time, or from year to year, that House was to be made the arena of party contest—one day after another—he must say, the country would be exposed to great peril. He thought, after such an appeal to the people of England, which was now to be made by motion, and after such a declaration of public opinion as the decision of that House would imply, that the Government of the country would have a strong claim on the hon. Gentlemen opposite to put their shoulders to the wheel and help forward the work of useful legislation. There were a great many subjects which claimed the attention of Parliament, but which could not be attended to while these conflicts of party were continued. There was no possibility, at present, of attending properly to many questions relating to trade—to many great improvements in the law—to the great question of the currency—and many minor questions relating to our internal administration. Assuming that the House would come to a decision in favour of the present Ministers, and that the public had ratified that decision, as he thought he had a right to infer from the recent elections. He repeated, he had a right to appeal to those elections as indicative of the opinion of the country; if the decision of the House should be in harmony with the opinion so expressed, he thought the country would have a right to demand that party contest should cease; and that useful measures, in which all parties could join, should alone occupy the attention of the Legislature. He had to apologise for having so long occupied the attention of the House. He had endeavoured to be as brief as possible. He hoped he had shown that a real improvement had taken place in the condition of the country, and that the public interest required, that after the decision of this question all parties should agree to work together for the promotion of common objects, and the improvement of their common country.

Mr. *Colquhoun* said, that his hon. Friend who had just sat down was rather a dangerous supporter of her Majesty's Government. He had fixed on one topic as a subject for praise which was somewhat remarkable. He had said that the interests of our commerce required a steady Government. Could he claim the credit of a steady Government for the right hon. Gentlemen and noble Lords opposite, of whom there was scarcely one principle, from that memorable one on which they got into office, down to their colonial and foreign policy, which had not undergone changes the most remarkable? His hon. Friend had attempted to show improvements in the trade and commerce of the country, but he was prepared to show that these great interests had declined under the administration of our Foreign Affairs by the noble Lord now at the head of the Foreign Department. His hon. Friend seemed to be afraid that he would introduce religious questions; but he would carefully abstain from doing so, and confine himself to questions intimately affecting the mercantile and manufacturing communities of this country. If he could make it clear, that during the policy and in consequence of the policy of the noble Lord at the head of our Foreign Affairs, the channels of our foreign trade had been obstructed — that our manufactures had not the free scope which, under wiser management, they might have had — he thought he might fairly call upon the House to say, that her Majesty's Government were systematically deficient in their attention to the great branches of our commerce, and did not deserve the confidence of the House. He had no access to the sources from which his hon. Friend, the Member for Lambeth, had drawn his information, but he had access to the parliamentary tables, which were in the hands of every one. He found from these tables, that during the period in which the noble Lord had held the seals of the Foreign Office, the progress of our trade as compared with the progress of the trade of France, and the trade of the United States showed some curious results. It appeared, that the French trade between 1830 and 1835 had advanced forty-five per cent. The trade of the United States had advanced sixty-four per cent. The trade of Great Britain had advanced only twenty-four per cent.; and during the last year, to the accounts of which he had access, British trade had fallen ten per cent. There was another fact more remarkable, and nearly connected with the foreign policy of the noble Lord. It appeared, that our trade with the continent of America had increased from 1833 to 1837, and it might fairly be expected to have increased with the continent of Europe. With the United States it had risen twenty-two per cent. With South America and the West Indies it had risen eleven per cent. With British North America and the British West Indies it had risen twenty-two per cent. But he would now call the attention of the House to the state of our trade with Europe. He was perfectly aware what construction hon. Gentlemen opposite would put upon the facts, but it would be well that they should be agreed as to the facts in the first place. Afterwards he hoped to be able to draw a conclusion from them which would support that for which he was contending. Our trade with Europe had decreased twenty-two per cent during that period. Whilst during the five years to which he had referred, there had been an increase of trade with other countries, there had been a decrease of exports to the continent of Europe of four millions. Referring to the tonnage, it would be found, that whilst our trade on the whole had increased twenty-eight per cent., there had been a decrease in the trade of Europe of from forty-eight to sixty-five per cent. Looking into the items, it appeared, that there had been a decrease in the trade with Spain, with Portugal, with Germany, and with Prussia. He had no wish to enter on questions purely of foreign policy, but looking at our foreign policy as connected with trade, it was a very curious fact, that those countries which had enjoyed the advantage of the noble Lord's special and active diplomacy, and where of course our commerce might have been expected to spread, namely Spain Portugal and Germany were the places in which there had been a most remarkable decrease. He was quite aware that hon Gentlemen opposite would say, that disturbances existed in Spain; but if in that country the British arms had been tarnished; if they had sullied the character of the British force, on the ground which had witnessed their proudest triumphs, at least it might have been expected that they would gain commercial advantages, but the commercial restrictions of Spain had become heavier under the noble Lord's negotiations. The noble Lord's policy had not been able to save the trade of this country with Spain from the most stringent restrictions. The proof was, that although that trade had been doubled between the years 1828 and 1830, it had now fallen lower than it was in 1828. With regard to Portugal, the noble Lord's attention had been called in 1834 to most formidable changes in the commercial treaty with that country, by Mr. Robinson, then Member for Worcester. The noble Lord assured him, that negotiations on the subject were in progress. Unfortunately, in April, 1837, notwithstanding all that the noble Lord had promised and hoped to perform, a restrictive tariff had been imposed on our trade with Portugal, and it now stood in a worse position than before. With regard to Germany, during the diplomacy of the noble Lord, a commercial league had been formed in Germany, shutting up a population of twenty-five millions from a free trade with this country, and leaving them exposed to all the restrictions which the influence of Prussia might impose. The effect of this was, that the exports to Prussia declined from 189,000*l*., which they were in 1829, to 131,000*l*., which was the amount in 1837. Then look to France. The right hon. Gentleman the President of the Board of Trade, had confessed last Session that our trade with France had been laid under severe restrictions which had been imposed during the diplomatic negotiations of the noble Lord opposite. Hon. Gentlemen might say, that these were mere unfortunate results of his diplomacy. He proceeded to bring some charges of a more specific character. In 1830, what was the state of trade with the centre of Europe? A population of twenty-one millions in Poland had free access to British manufactures, and the Congress of Vienna had declared, that that trade should remain free. He did not now speak of the measures by which Poland had been blotted from the face of the earth as an independent nation—but the trade of Poland had been secured by treaty, but it had been suffered to be destroyed by the Russian tariff. There was another point worth observing. An hon. Gentleman had, in the year 1836, called attention to the position and the trade of Cracow, and had pointed out eloquently and truly, that Cracow was a depot of the utmost possible importance, as a central point from which the manufactures of England might radiate and distribute themselves through Austria and various other parts of central and southern Europe. The independence of Cracow as a state, and the freedom of its trade, were secured by the treaty of Vienna, to which we and the other powers of Europe were parties. In 1836, however, the independence of Cracow had been entirely violated, and that important depot of our trade had been since swept from all contact or communication with British manufactures. It was natural that British trade, not finding free vent in these its old channels, should have been directed to remoter countries. The enterprise of British merchants was turned, amongst other directions, to the countries about the mouth of the Danube, which by treaty was to remain at all times free. In 1836 the Danube was free to British commerce; but at this moment Russia had stepped from one side of the river, which by treaty and the law of nations she had a right to, to the other side of a most important tract to which she had no right. And she had allowed the sand to accumulate at the mouth of the river, contrary to the stipulations of treaties. He would ask the noble Lord what had his diplomacy effected whilst British trade was suffering from these causes? The most serious injury had been sustained by British trade. The Dardanelles was another point of the greatest importance. In 1830, the Dardanelles was absolutely free to British merchants. There was then no intervention of any other power with the progress of British trade in the Black Sea. But a change took place in British affairs in that part of the world in 1833. On this subject he might quote the authority of the hon. and learned Gentleman the vice-president of the Board of Trade (Mr. Sheil), to show what services had been done to British trade by the proceeding of the noble Lord the Secretary for Foreign Affairs. The hon. and learned Gentleman had called the Dardanelles the key of the Black Sea, and attributed the fact that it was, or might be, closed against England by the command or dictation of Russia, to the absence of Lord Ponsonby from his place at Constantinople, and to the presence of the noble Lord in the office of Foreign Affairs. The fact was undoubtedly so. The Dardanelles were now closed when Russia pleased to command it. In 1836 and 1838, the merchants of Glasgow, of Newcastle, and Hull, came before the House with a petition, imploring the House to take into consideration the unprotected state of British trade in that quarter, and the serious danger to which it was exposed in consequence of the unfortunate changes which had taken place. Those changes had been owing to the ineffective policy of the noble Lord; and at present the eastern shores of the Black Sea, which were ready to receive English manufactures, were shut out from all contact with British trade by quarantine regulations, which were contrary to the law of nations, but against which the noble Lord's diplomacy was of no avail. When he also found the British merchants of Trebizond, a most important depot of Asiatic trade, declaring that they could not safely invest their capital in trade with those countries with which we ought to have perfectly free intercouse, he must say, that justice had not been done to the trade of the country by the noble Lord. Reference had been made to India. He had no wish to detract from the lustre of British arms, or from the fame of the late achievements. He was willing to admit, that the proceedings in that part of the world, had been distinguished by vigour and accompanied by great success. But let them look in connection with that subject, to another result of the noble Lord's diplomacy. In 1833 and 1834, Persia was an independent and powerful state, and a strong barrier against the encroachments of Russia. The noble Lord boasted, that in conjunction with Russia, he had brought about internal peace with Persia. But Persia, settled and in peace in 1836, became estranged in 1837, and hostile in 1838, and instead of this strong obstacle to the encroachments of Russia, we are obliged to set up a precarious barrier by the position of our forces in Affghanistan, a country unquestionably hostile. Another point of great importance was the trade with Java. That trade was of extraordinary importance to our manufactures; 2,000,000*l.* worth of property was invested in it. Java was the fourth most important port of our trade in that part of the world. Well, by our treaties we had fixed the rate of duties there, which were never to extend beyond six per cent., and yet, contrary to all these treaties, those duties had been raised to no less than twenty-five per cent. on our imports, and they had been raised under the diplomatic negotiations of the noble Lord; and although the noble Lord had been questioned in the House upon the subject —although it had been brought before him in 1836, and again in 1837 and 1838, his answer had ever been hope and delay, but no alteration. The consequence was, that the value of the Dutch cotton imported thither, which in 1834 and 1835 was 330,000*l.* had now reached 1,293,000*l.* and that the amount of foreign manufactured goods, in which British productions were included, had fallen from 4,119,000*l.* to 2,462,000*l.* Again, before the noble Lord came to the Foreign-office, Great Britain had a most important trade with the east coast of Africa—the country which, in modern language, was called Algeria. It possessed no less than 10,000,000 of inhabitants, and, at the period he spoke of, we enjoyed the right of importing, at a duty of five per cent. What was the case now? Notwithstanding our friendly relations with France, an ordinance had been passed excluding all British manufactures, and almost destroying, in consequence, all British trade in that part of the world. Then came the question of the trade with Portendic. Serious injury had been done by the French to British trade there. The subject was brought before the House, not by an hon. Member of the Opposition, but by the hon. and learned Member for the Tower Hamlets, one of the most steady supporters of Government. The hon. and learned Member had, again and again, called the attention of the House to the injuries which were unredressed, and to the encroachments on our trade which were unchecked. On those occasions, the noble Lord had promised much; had he done any thing? Was the gum trade now open? 100,000*l.* had been lost by British merchants there; had redress been obtained? That loss was sustained in July, 1834; the port was blockaded by the French in February 1835—a measure contrary, he believed, to all law, and to the usage of nations, and most seriously detrimental to our trade. Had anything been done? The noble Lord had come down session after session with promises; but that was all. No redress had been obtained—to this hour the merchants had no redress. The French see that no redress is exacted for the affront which had been offered to the British flag, nor any for the stoppage of our trade, and the consequence was, that they had stepped across Senegal to the river Gambia, and interfered with the commerce of their British ally—stopped its progress there by their favourite policy of declaring a blockade. But if the policy of the noble Lord had been unfortunate in its results, as regarded Portugal, Spain, and other countries of the old world, what was his policy in the new? The French had carried to South America the report of the noble Lord's policy, and the same course was pursued there as at Portendic and elsewhere. The right hon. Gentleman cited the hon. Members for London and Tower Hamlets in the course of his speech, but they had both told the noble Lord, that a grievous wrong was done by the blockade on the coast of Mexico, and that the injury to British trade was most serious. Such, then, was the success of the noble Lord's negotiations, and the consequence of his leaving this depot of our trade wtihout any adequate force opposed to French encroachment or blockade. Another case of a similar kind was that of the Rio Plata. The noble Lord was aware, he was sure, of its importance, and that the British carried on much trade with that port; and that the countries around teemed with raw produce, and had a large population, most willing and able to receive British goods. That they did, in fact, receive a large amount of British goods, there was a proof in the large British population of Buenos Ayres, consisting of some thousands of agents and others engaged in trade. They very naturally feared that what was done in Africa and Mexico would be done in South America, and that with equal pusillanimity, the noble Lord would leave British trade in South America to be trampled on in any blockade that it might please the French to establish. These fears were justified; a blockade was established, and carried as far as Monte Video, and our trade there was much reduced. Next with respect to the United States of North America. Our trade with that country had risen most unprecedentedly, and it was well known that both commercially and politically, it was most important that undisturbed harmony should reign between the two countries. Our trade bore a most promising aspect in 1830, when the award of the King of Holland was pronounced on the boundary question. How, then, he asked, by what sinister policy was it that the question was more unsettled at the present moment, than when the noble Lord took office? How was it that the noble Lord had allowed, for nine long years, these feeble negotiations to proceed without any result? The right hon. Gentleman had told them, that they had said nothing upon the colonial question. He certainly would avoid touching upon colonial matters, except so far as related to trade. Our trade with the colonies employed one-third of our commercial capital in 1834, one-sixth of our exports being sent thither. It seemed, therefore, that the colonial trade was of no little importance. Had it not, however, been proved that the state of the Canadas was most detrimental to its trade and commerce? It had been proved by the fact, that when the Earl of Durham reached Canada, the noble Lord reported to her Majesty's Government, that the trade and commerce had been seriously injured, and that emigration had fallen from 52,000 to 5,000 persons per annum. Had it not again been proved by the hon. and learned Member for Liskeard, who had told the House and the country last year, that such was the state of the colony, that no capital could be there safely invested, and that lives and property were not secure? With such evidence before the Government, he begged to ask his right hon. Friend opposite (Sir George Grey), why the question of Canada had been allowed to remain so long unsettled? In 1834, the noble Lord, the Member for North Lancashire proposed a measure which would at least have brought about some settlement; again, when the Earl of Aberdeen sent out Lord Amherst to Canada, Lord Aberdeen had pointed out in his instructions to that governor, what grievances he admitted required redress, and what points he must refuse to accede to, and thus, under Lord Aberdeen's policy, the question of Canada would have been brought to a speedy settlement. But the policy of her Majesty's present Government, since 1835, seemed to be delay; they sent out a commission, not to act, but to inquire where inquiry was superfluous, and to report upon matters which were palpable, and when differences took place between the House of Assembly and the Executive Government of the colony, the noble Lord opposite (Lord J. Russell) held that those vital questions ought to be kept out of view, in order that the noble Lord and the administration to which he belonged, might continue to carry on their favourite system of procrastination and delay. There had been delay in 1832, there had been delay again in 1836, and at last, in 1837, the noble Lord, now the Secretary for the colonies, addressed himself to the production of some measure, and proposed to the house ten resolutions; but the bills founded on them fell from the hands of the noble Lord, who did not wish, it would seem, to tarnish the commencement of a new reign with any act of vigour, and thus the year 1837 had been allowed to pass without the adoption of any measure to secure the peace and tranquillity of those provinces. Looking at the delay which had taken place—looking at the system of procrastination which had been practised, he must say the policy of her Majesty's Government, in respect to Canada, had neither been favourable to the peace nor the connexion of those provinces with this country. But there was another subject matter which completely illustrated every part of the policy of her Majesty's Government. He alluded to the position of the small but important colony of Newfoundland—a colony which afforded a specimen of the policy of the Government which was well worthy of consideration. He (Mr. Colquhoun) would not speak of the proceedings of the House of Assembly of Newfoundland, which were contrary not only to all law, but to the best interests of the colony, — he would not speak of the encouragement which that House of Assembly received from the Government, nor of the release of prisoners, nor of the concession to them of important rights of the Crown, but there was just one case which he particularly desired to bring before the House, as a curious specimen. There had been upon the judicial bench at Newfoundland a chief justice—he meant Chief Justice Boulton — who had discharged his functions and administered the law with vigour and impartiality. He, however, had the misfortune to be a conservative, sincerely attached to the maintenance of the connexion of the colony with the mother country, and in his political character, as a member of the Legislative Council, took every step in his power to maintain the integrity of that connexion. Chief Justice Boulton had consequently been arraigned by that party in Newfoundland who had assailed and endangered its peace and tranquillity. Chief Justice Boulton, so arraigned before the Privy Council, had sentence passed upon him by that body, a sentence which entirely acquitted him of all partiality or neglect in the discharge of his official duties, but alleging that he was too strong a politician, and too firm in his adherence to his political views. Chief Justice Boulton had been dismissed from the judicial bench by her Majesty's Government, because it was held that he was too strong a politician to remain on the bench. Her Majesty's Government, he believed, had not always been so cautious in their judicial appointments, neither had they, in other cases, seemed to think political indiscretion should be a reason why an individual ought not to be raised to the bench; for her Majesty's Government, which could not tolerate Chief Justice Boulton in Newfoundland, had, f the country had not been greatly misinformed, offered a seat on the judicial bench of a country comprising, not 75,000, but 8,000,000 of population, to a Gentleman who could not be said to be free from political partiality, and of whom his warmest friends would hardly say—if they considered that Chief Justice Boulton was too strong a politician to remain on the bench of Newfoundland—the hon. and learned Member for Dublin ought to be raised to the judicial bench in Ireland. There still remained another ground on which he should join in the vote proposed by the hon. Baronet, the Member for Devonshire. His right hon. Friend opposite (Sir G. Grey) had taunted hon. Members opposed to him with their silence on the case of Ireland. He should leave to hon. Members more conversant with the affairs of that country than himself, to justify the votes they should give on the present occasion in that respect; but he for one must say, that as long as he found it avowed by her Majesty's Government in that House last session—avowed in another place by the present Lord-Lieutenant of Ireland (whom, as a public character he greatly respected), that the principles of the Marquess of Normanby's Government formed the rule by which that country was to be governed; and, remembering what those principles were, he could not concur in the opinion that the present Administration deserved the confidence of Ireland, or of that House. He should not, he repeated, enter upon the question of Ireland, but when he recollected that one of the principles of the Marquess of Normanby was to release from prison, as had been proved, upwards of 2,000 of the greatest malefactors, without reason, justice, or inquiry, to send them loose in Ireland, and that another principle was to select juries on a plan entirely novel, and, according to his own law officers, fatal to the due administration of justice; when he found also another principle to be, that in defiance of the law, the noble Marquess had opposed the appointment of the high sheriffs by the judges, and had taken the selection of those high functionaries on himself—when he remembered that the noble Marquess had exercised this authority so assumed in such a manner as to place over one county as high sheriff, an individual who was a known and acknowledged Repealer; over another an individual of violent political sentiments — when he saw the same course pursued in the borough of Carlow—when he saw all these things, he could not augur well of the future administration of affairs in Ireland conducted on the same principles. When he remembered further, that the noble Marquess had shut his eyes to the conspiracy which pervaded many parts of Ireland, and was formidable in no less than twenty-four counties, and that the Chief Secretary for Ireland thought it trifling, despite the evidence to the contrary of Crown solicitors and other witnesses, and that Lord Normanby in his place in the other House had stated he knew nothing of that conspiracy in 1839, he could not but augur ill of the principles on which henceforth that country was to be governed. Allusion had been made in the course of the debate by his right hon. Friend opposite to the existence of Chartism, into that subject he would not enter, but he must say, that as the noble Lord opposite (Lord J. Russell) had issued a Royal proclamation in the spring of 1839 to put down certain meetings which he characterized as illegal — nay, had addressed a letter to the Lord-lieutenants and magistrates of counties to prosecute parties for the sale of arms, he could not but express his regret, that the noble Lord, if he thought these measures necessary in the spring and summer of 1839, had not resorted to them a little sooner. These were the noble Lord's own acts justified by the state of the country. Why had not the noble Lord adopted them at an earlier period? He asked that question, because in the autumn of 1838 it was well known that in Lancashire, and in the west of Scotland, Chartism was organizing, and yet then the noble Lord issued a proclamation of a very different character —his own proclamation at the Liverpool dinner. That proclamation he (Mr. Colquhoun) well remembered, for he was in Ayrshire—where Chartism to some extent prevailed—at the time, and in a speech to his constituents he had predicted the effect which the noble Lord's declaration at Liverpool would have, viz., a direct tendency to encourage and influence Chartist organization. After the experience of past years, he could not but entertain the same opinion, that the noble Lord did not act promptly to repress the evils which, if to be met at all, ought to have been met with promptitude. His right hon. Friend had expressed a hope, that no objections would be made by any hon. Member on his side of the House to the promotion of certain distinguished individuals to high offices in the Government, on the ground of the religious tenets of the individuals so promoted. He certainly should not make any distinction on that ground, for he had ever held and avowed, that he did not think religious opinions, honestly and sincerely professed, ought to disqualify any man for filling high offices in the state. Such being his opinion, he should on all fitting occasions avow them, and therefore from him, at least, his right hon. Friend need not anticipate the slightest objection upon that ground. Although differing from Government in regard to their policy, he, as a personal friend and admirer of the right hon. Member for Edinburgh, could not but rejoice at his promotion to an office which he thought he would adorn. As long as the Government continued to that change, he (Mr. Colquhoun) could have no possible objection. Neither had he heard any objection stated in or out of the House to the elevation of the right hon. Member for Portsmouth to the office of Chancellor of the Exchequer, on the contrary, every one bore testimony that the Crown did not possess a more zealous and unwearied public servant. He, therefore, made no objection to that part of the reconstruction of the Cabinet. Nor had he heard any general objection made to the promotion of another Gentleman to the office of Secretary to the Admiralty, though his private regard for the hon. Member for Halifax would have induced him to wish that the latter Gentleman had retained that office. But there was one appointment which had been viewed by the country with great dissatisfaction, there was one appointment in the reconstruction of the Government which he thought calculated, not on religious, but on political grounds, to deepen distrust, and to extinguish confidence—that was the appointment of the right hon. Gentleman who now filled the office of Vice-President of the Board of Trade. He (Mr. Colquhoun) admired, as much as he was sure everybody admired, the talent and eloquence of that right hon. Gentleman, but when he remembered, that no later than the year 1834, that right hon. and learned Gentleman took a most active part in that House in mooting the question of the repeal of the union—when he found him teller on the division after that debate along with Mr. Feargus O'Connor—when he found him declaring on another occasion, that he scarcely knew any point of difference between himself and his hon. Friend—when he found him avowing himself the disciple and follower of the hon. and learned Member for Dublin—when he saw the recorded public opinion at no remote period, but so lately as 1834, and found that right hon. and learned Gentleman, entertaining such opinions, transplanted to the Privy Council, he owned he viewed the reconstruction of the Government in that respect with increased mistrust. He had only to point to the last election for Tipperary. Who was the person selected by the right hon. and learned Gentleman either to move or second his nomination? Why, the person selected was one of the most turbulent agitators of that turbulent county—Archdeacon Laffan, who had been concerned in all the associations—whether Precursors or whatever name they were called—by which the country had been agitated. That person the right hon. and learned Gentleman had selected as the type and index of his political opinions, and yet he found the right hon. and learned Gentleman still in the enjoyment of the confidence of the advisers of the Crown. Seeing such principles among them, he begged to know if the present could be called an united Cabinet? His right hon. Friend had said, that hon. Members on this side of the House were not united in their views of the policy of the right hon. Baronet the Member for Tamworth. On what ground? On the solitary question of privilege! The question of privilege was not a very felicitous instance of disunion, or a very happy ground of charge that the Cabinet of the right hon. Baronet would be a divided and discordant Cabinet, inasmuch as all the supposed Members of his Cabinet, as enumerated by his right hon. Friend opposite, had agreed on the question of privilege. Now, he (Mr. Colquhoun) should like to ask upon what questions her Majesty's present Cabinet were agreed? What, too, were the points of agreement between the Government and the party who supported them? Were they agreed on the question of the ballot? Was the Cabinet itself agreed upon the Corn-laws? Some of the Members of it spoke last Session in favour of an alteration, while the head of the Administration declared such a proceeding to be actual folly. [Sir *G. Grey* (interposing)—Actual madness.] Oh! only madness. His right hon. Friend had taken refuge under the cloak of insanity, and declared that some of the present Cabinet were fit for places in a lunatic asylum. Was the Cabinet, he repeated, agreed upon the ballot? His right hon. Friend himself doubted its efficacy, and yet had declared he would vote for it. It had been said, the right hon. Baronet, the Member for Tamworth, must be guided by his party, and that if it was discovered, that the opinions of his party were extreme and violent, those opinions must be taken as the rudder which was to guide the course of the right hon. Baronet. Would his right hon. Friend opposite allow him to apply that principle to him? If it was true on one side of the House, it was equally true on the other. The noble Lord opposite had some time since laid down as a great political axiom, that political bodies were guided by the tail, and that axiom could not be applied more characteristically than to the party opposite. What were the opinions, not of a small fraction, but of a large portion of the supporters of the present Government? His right hon. Friend had said, that he was opposed to an extension of the suffrage. Did he not know, that a large portion of the party by whom he was surrounded insisted on, nay demanded, an extension of the suffrage? Was he not aware, that all the new reconstructions—all the fresh additions to the Cabinet and Privy Council—had been drawn from those extreme sections which had resolved in the cold "Nova Zembla" of extension of the suffrage, and vote by ballot? The people were weary of continual changes, they wish for a firm Government, and knowing there is no chance of a firm Government on this open question system, they long for a different Government, and the noble Lord perfectly well knew it; and if he knew it, why did he not give them the chance of trying to form one? There was a time when the noble Lord, and right hon. Gentleman opposite, advocated the popular control in everything—the will of the people was everything. Did they think, that they held their present offices by the will of the constituent body of this country? If they did, would they act on his right hon. Friend's suggestion, and on this one occasion borrow a hint from the advocates of triennial Parliaments, and give them a dissolution? They would then be able to discover whether the policy of her Majesty's Government, which might be supported and propped up by a vote of that House, which might, by the scanty majority of two, perhaps, receive a sentence of remission of penalties for a short period longer, really had the confidence of the country, for he was perfectly sure, that the principles now pursued and acted on by them more and more every day, and which were openly professed by the particular party who guided their movements, were not the principles which the people of this country approved of.

Mr. *Gisborne* commenced by saying, "Behold! what a blessed thing it is for brethren to dwell together in unity." The hon. Gentleman who had just sat down was so far from disapproving of the recent appointments, that he appeared to approve of them. He was sure, that there must be a perfect unanimity amongst the hon. Gentleman's party, but still he doubted, that the sentiment thus expressed must be universal on the other side of the House. But he took the unanimity to be that which it had been represented. The hon. Gentleman had spoken of great political bodies being driven forward by their tails, and whether the present motion emanated from the head of the concern, or had been driven forward by the agitation of a less noble organ, might admit of considerable doubt. He was not surprised at the introduction of this motion, because he had before remarked, that there was a great lashing of the tail, and the whole of that lashing had reference to one particular object. There had been one prevailing subject for the consideration of her Majesty's Government, and that subject was a religious subject. What! was that subject to be tabooed in that House? Was no other Gentleman except himself surprised that the hon. Gentleman who had just sat down should have addressed them in a speech of an hour's length, and yet not have introduced "religion" or "education," nor allowed them to form a single part in his address. He believed, that in the recess the hon. Gentleman had been in the habit of addressing large bodies of the people. He knew that he was in the habit of seeing in the newspapers the name of the hon. Gentleman, followed by speeches to large bodies and public assemblies, but did the hon. Gentleman make such statements there as he now made here? Had the hon. Gentleman told the people in these assemblies, that he had any notion of making it a charge in his bill of indictment against the Government, that the commerce with America was injured, that the trade of Cracow was lost, and that the sands were blocking up the mouth of the Danube! for these were the hon. Gentleman's charges against her Majesty's Government. It was not his province to defend the foreign policy of the Government. He was sure that the noble Lord who presided over that department was quite equal to the task. Nor was it his business to defend the colonial policy of the Government, but as an independent Member of that House [" *Oh, oh!* "], he believed he was an independent Member of that House, and he believed that he had a right to canvass how it was, that the motion introduced by the hon. Baronet addressed itself to him. He did not quarrel with the motion of the hon. Baronet—he was not surprised at it. He admitted, that it was an open and a manly motion, but then he believed it would be a very barren motion. He wished to know, whether it were to have issue or not. He wished to know what the nature of that issue was to be. He supposed that if the hon. Baronet should carry his motion, it would be followed up by an address to the Crown to remove her Majesty's Ministers. He wanted to know whether that address would assist her Majesty according to the constitutional privileges of the House, as to who were to be the Ministers' successors. There was one ground upon which he felt peculiar respect for the motion of the hon. Baronet; it was this—that it was the most democratic form of motion that could be adopted for the removal of her Majesty's Ministers. It did not declare that the principles of the Ministry were not good, but it said this, if it said anything, that the Ministers of the Crown ought to possess the confidence of that House. That was a principle for which he had always contended, and that was a principle which, until now, was always opposed by the other side. He was a Member of that House in the year 1835. The right hon. Baronet opposite was then Prime Minister. What did they do? They met him upon the first day of the Session; and having rejected his Speaker, they next amended his address, and then they dismissed his ambassador. They did not suffer the right hon. Baronet to be in more than one majority in the course of the two months that he was in office. [Sir *R. Peel* said he did not remember it.] And now the right hon. Baronet did not remember even that one majority. They gave to him abundant opportunity of being aware that he did not possess their confidence; but, for all that, the right hon. Baronet did not resign. The right hon. Baronet said, "How unfair this is! Because you are Reformers, and I have been an anti-Reformer, I do not possess your confidence." "Why," said the right hon. Baronet, "I am going to pass all your measures—I am for acting upon your foreign policy—I am going to pass your Tithe Bill." He believed that every Gentleman was aware that the right hon. Baronet admitted that he would pass the same Tithe Bill that he had before rejected. The right hon. Baronet had said, too, on the question of corporate reform, that he held office in the corporation of Tamworth—that it was a pure corporation and he had then no intention of offering opposition to corporate reform; and yet because they would not vote for him, how did the right hon. Baronet act? He then called them "a tyrannical majority." He rejoiced that they were then coming back to proper principles in that House. No Minister, he said, ought to accept office, who did not possess the confidence of that House; that he had always maintained, but until the present moment he was not aware that it was adopted on the other side of the House. Now, as to the time when the motion was brought forward, he believed it was well to speak plainly. Her Majesty had given notice that she was about to be married, and he believed that it was well known that it was likely that some promotions would take place—that there would be some peerages and baronetcies, and some other offices of no emolument. It seemed to him that on the other side of the House there was an extreme, perhaps a legitimate, desire that they should have the conduct of the affairs of the country, in order that they should have these nominations. He confessed, if he were on the opposite side, he should avow such a desire at once. He did not think that the side on which he sat had any advantage of the other side in this respect, for although their appetite and craving was not so much whetted by abstinence as it was on the other side, yet he believed that they would have a pretty substantial appetite left for these pickings. He had no doubt of it, and therefore he did not make any charge against Gentlemen opposite on this ground, but he understood that when the Address was moved in the beginning of the Session, the chivalrous delicacy of feeling of the Gentlemen opposite would not allow them to interrupt the harmony which they wished to exhibit to her Majesty on so interesting an occasion. He recollected that they did not even put in the word Protestant, although he had a great authority, an authority which he was sure the Gentlemen on the other side would pay great deference to, for saying, that it was highly important that the public should have the satisfaction of knowing the fact of the Prince Albert being officially declared a Protestant by the Government. The same authority (the Duke of Wellington), after stating that such an announcement was not unworthy of mention in the Address in answer to the Royal Speech, went on to state, that he had heard something of this marriage from another part of the United Kingdom, and it seemed to him that something had passed in that country on the subject, since the declaration in Council, which showed to him clearly why the word "Protestant" had been omitted; and the illustrious authority went on to state, that he intreated their Lordships not to omit the first opportunity on which they were called upon to express any thing beyond mere congratulation, to insert such words in their Address in answer to the Speech from the Throne as would be sufficient to remove from the public mind all doubts on this most important subject. But all this was forgotten in the House of Commons; for although the hon. Baronet opposite (Sir R. Inglis) brought the subject most specifically before the House, yet in their chivalrous feeling not to disturb her Majesty's mind by any appearance of want of unanimity, they had omitted this very important word, and thus declined the advice which in the other House of Parliament it was known had been tendered to the hon. Gentlemen opposite. Perhaps some of the older Members of the House would recollect what happened in that House when Mr. Martin's Act for preventing Cruelty to Animals was in the course of passing. He remembered, although he was not then a Member of the House, that when the chairman of the committee was reading the enumeration of the different animals to be protected by the bill, which concluded with all other beasts, an hon. Member stopped the reading of the Bill, exclaiming, "Stop there, Sir, if you please; I move that before the word 'ox' there be inserted the word 'ass.'" It was not because the ass was not amply protected, it was not because there was any danger of that particular animal suffering from the omission, not the least of it, the ass being a beast, but the hon. Member thought the ass was so important an animal, that he was quite worthy of mention in the Bill. This was the very ground on which the insertion of the word "Protestant" was recommended in the House of Lords. It was not that there was any doubt of the Prince being a Protestant, it was not that the public did not know that the Prince was a Protestant, and that he was sprung from Protestant ancestors; no, it was on the ground that it was absolutely necessary on so important a subject that no doubts should be left on the public mind that the Protestantism of the Prince was announced in the answer to the speech from the Throne. He said, then, to Gentlemen opposite, that they must relinquish one of two positions; they must relinquish the character for chivalrous devotion, and a desire not to disturb her Majesty in her present interesting circumstances, or else they must relinquish all hopes of any advantage that might fall to their share from displacing the Government on the present occasion. As to that part of the motion which related to the administration of the public affairs of the country, that would be more properly and successfully replied to by the Members of the Government who administered those affairs. He would, however, make one or two observations on that part of the motion which was applicable to himself. In 1803, Mr. Buller—perhaps an ancestor of the hon. Baronet—introduced a motion relative to the conduct of Ministers. That motion was for a vote of censure, and on that occasion Mr. Fox opposed the motion. That great statesman said, he could not agree to a vote of censure, because he did not know whether the successors of the then ministry might not be more objectionable than they were. That was a sentiment which he would recommend to Gentlemen on that (the Ministerial) side of the House. Before they agreed to vote for the hon. Baronet's motion, he would advise them to consider whether they could expect that the present ministry could be succeeded by a ministry less objectionable. He hoped they would act upon the practical good sense contained in the advice of Mr. Fox. He was one of those who were not ashamed to confess a warm attachment to liberal principles. It had been said, that this was a degenerate House of Commons, that the character of inferiority was stamped upon them, and that they were unworthy of their ancestors. He subscribed to no such opinions; on the contrary, he denied that any inferiority or deterioration had been evinced on either side of the House. At an earlier period of his life, when impressions on the mind were most vivid, he was a frequent attendant upon the debates of that House, and he had a perfect recollection of the great men whose names were now in every body's mouth as ornaments of the British House of Commons—the names of Pitt, Fox, Sheridan, Tierney: but he must say that when the right hon. Baronet opposite (Sir Robert Peel) rose on some great occasion, and more particularly upon any occasion when he was freed from the trammels of party objects and considerations, he must express his doubts whether he had ever seen a man more qualified in all respects to take a leading part in the deliberations of an assembly like that. In his opinion, the right hon. Baronet was greater in the reformed than he ever was, or ever would have been, in an unreformed House of Commons; and he said this the more willingly, because he came into that House with inadequate sentiments of the right hon. Baronet's powers, which sentiments he had maintained for a very considerable period, and it was only by a close observation of the right hon. Baronet that he had arrived at a different conclusion. He must also be allowed to say, that the leaders on that (the ministerial) side of the House, and more particularly the noble Lord, the Secretary for the Colonies, were equally deserving of the highest praise. That noble Lord came into that House young, and at an early period of his Parliamentary career, he announced those great principles and projects from which he had never swerved. The noble

Lord had not accomplished his projects to the extent that he (Mr. Gisborne) wished, but he believed that the noble Lord had accomplished them to as great a degree as he had himself ever contemplated, and, perhaps, in nothing was the noble Lord's wisdom more apparent than in knowing how far reform could be introduced without shaking the established frame-work of society. When he considered those things, he must say, he saw no reason for believing that this generation did not possess men as well qualified to conduct the business of this great empire as at any former period. It was not, therefore, for any want of confidence in the ability of the right hon. Gentleman opposite, that he intended to vote against this motion, but he took his stand upon the Reform Bill, and he could not forget that that right hon. Baronet was an opponent of that Bill. In his opinion, and in that of a large body on his side of the House, the machinery of the Reform Bill wanted some very important amendments. The machinery of that Bill, as it stood at present, would inevitably replace the representation of the country in the hands of those who had for a long time abused it. It was of the most vital importance that that Bill should be amended, and the question he had to ask himself was, should he trust the amendment of that Bill to its opponents? He certainly had more confidence in those who passed that Bill, and to them he was more willing to trust its amendment. He regretted to say, that he was labouring under physical inability to address the House at any greater length, but he believed he had stated those arguments which mainly influenced him to oppose this motion, and to refuse to remove the administration of affairs from the party with whom he agreed in principle, into the hands of those to whom he was politically opposed. He believed that the possession of the confidence of the House commons was the only safe foundation on which any Government could stand, and that confidence he, for one, was not prepared to transfer to the Gentlemen opposite. Feeling and acting thus, he would most cordially and decisively vote against the motion.

Mr. *D'Israeli* did sincerely believe that neither of the great parties into which that House was divided was influenced at all in the present struggle by any such miserable considerations as a participation in the bestowal of honours at the ensuing ceremony. That insinuation he not only repudiated on the part of those with whom he acted, but he most sincerely believed that the noble Lord and the hon. Gentlemen opposite would not be induced to accept the responsibility that attached to them from the idea that it would give them an opportunity of creating one or two Peers, and calling into being a few additional Baronets. Nor would he stop to congratulate the hon. Member on the felicitous parallel he had drawn between a Protestant and an ass. That, he supposed was a specimen of the religious tolerance of the other side of the House. He must confess he felt some difficulty in replying to the observations of the hon. Gentleman. That speech abounded with compliments to the right hon. Baronet whom he (Mr. D'Israeli) was proud to follow, and for a moment he indulged in the hope that the hon. Gentleman was about to give in his adhesion to those who were supporting the motion of the night. Then the hon. Gentleman said that he was prepared to take his stand upon the Reform Bill; but then this Reform Bill was to be amended. He selected the ground upon which he was to stand, but declared, at the same time, that it must be propped up. The hon. Gentleman, also, appeared to think that no Government ought to be supported that had not the confidence of the House of Commons, and especially of the present House. Why, whether they possessed a Government that had the confidence of the House was the problem they were about to solve. The Government had, indeed, admitted, and that upon an occasion rather recent, that they did not possess that confidence. Perhaps some members of the cabinet would let them clearly and definitively understand what had transpired and occurred, what change had taken place in the prospects of the country, that induced them now to believe that they were entitled to the confidence of that House? But difficult as it was for him to conceive why the Government now possessed that confidence, still more difficult did he believe it to be for some hon. Gentlemen in the House to account for the reason why they would now entrust with confidence those from whom a few months ago they withdrew it. The question before the House was, whether the country was in a satisfactory state, and if it were in a state the very contrary of satisfactory, the question was, had the present administration not merely the inclination, but the means and power to right the vessel of the state in this moment of peril and danger? The hon. Gentlemen opposite had evaded that question. They had answered in detail petty parts of the objections that had been urged, but they had not addressed themselves to the great question before the House—namely, whether the state of the British empire was satisfactory, and whether the persons who possessed, or nominally possessed, power, had the means of so managing the state as to bring it into that salutary condition in which it ought to be found. When he listened, and he regretted that he had only been able to do so partially, to what had fallen from the right hon. Baronet (Sir George Grey), he might have been inclined to suppose for a moment the country was in a state of domestic order, and that the empire, so far as its extrinsic relations were concerned, enjoyed the confidence of foreign powers, and was treated with that honour which had almost always awaited her flag and authority, and he might have supposed that its financial condition was one not dissimilar from that which for nearly a century had been associated with the credit of Great Britain. Were these facts? Would any one venture to rise in his place, and pretend that the state of the country was such that no man had a right to question the propriety of the conduct of Government? He said, that it was the duty of the House of Commons, without regard to any feeling of party, not to allow the session to pass without inquiring into the cause of the present domestic disorder that prevailed—into the cause of our being embroiled with foreign powers—and into the cause of our disordered commercial relations. He apprehended that no right hon. Gentleman or Member of the cabinet would dare to rise and tell the House that the domestic condition of the country was satisfactory. As to Ireland, he did not shrink from the discussion, but he must say that he did not think it was a fair repartee, when they talked of Chartists, to refer them to Dublin. The right hon. Gentleman (Sir G. Grey) had told the House that there was an alliance between that side and the Chartists. He was not ashamed or afraid to say, that he wished more sympathy had been shown on both sides towards the Chartists (loud cries of "*Hear, hear,*" from the Ministerial benches). He would repeat, notwithstanding the cheers of the Gentlemen opposite, that he was not ashamed to say, that he sympathised with millions of his fellow-subjects; and if those who advocated liberal principles—the leaders of the reform administration—did not agree with this sentiment, he was perfectly willing to leave them to the verdict of public opinion. When they saw large masses of the population discontented, was it the duty of Parliament to inquire into the cause; or was it quietly to remain satisfied with the authority of the noble Lord, the Secretary for the Colonial department, as to what was the origin of those discontents? He recollected that, at the latter part of the last session, the noble Lord came down, evidently in much disquietude, and calling for a levy of troops, and the assembling of the constitutional forces of the country, at the same time describing his view of the causes of the circumstances which rendered these preparations necessary. The noble Lord then ascribed those occurrences to a gentleman who had been this evening described as the incendiary Oastler. The Attorney-general, who was the prime colleague of the noble Lord in these proceedings, afterwards went down to Edinburgh, and fancying himself the Pericles of the modern Athens, told his constituents that he had put down insurrection without shedding a drop of blood. A journal, also, which was the oracle of the party, and to which cabinet Ministers sometimes contributed, told its readers that Chartism was dying. But, notwithstanding these flaming announcements, before Parliament had again assembled, the country had burst out into new insurrection. And to what cause was this new insurrection to be attributed? Not to the agitation of the Poor Law question; no, this was not, to use the expression of an hon. Member representing a manufacturing town, an expression which had given much satisfaction to Ministers at the time—it was not now "a knife and fork question," for the insurrection had broken out in a district where labour commanded not only comfort but even affluence. How, then, in regard to their actual knowledge of the state of affairs in this country, could they place confidence in the present Government? What opinion could they form of the prescience of the noble Lord opposite who was then the Secretary of State for the Home Department? The noble Lord would, indeed, tell us that the insurrection was in a moment quelled; he would dilate on the cool courage of the mayor, and the presence of a handful of troops, who put down a popular tumult; but the time would come when Chartists would discover that in a country so aristocratic as England, even treason to be successful must be patrician. They would discover that great truth, and when they found some desperate noble to lead them, they might ,perhaps, achieve greater results. When Wat Tyler failed, Henry Bolinbroke changed a dynasty, and although Jack Straw was hanged, a Lord John Straw might become a Secretary of State. Many things at which the noble Lord had sneered, had turned out to be true. The noble Lord had been warned repeatedly of these events. He had been warned last year, and though he disregarded those warnings, how many of those predictions which he sneered at had turned out to be fact. This was a question which could not be easily laid aside; it could not but be debated; and before the Government could call upon this House for an expression of confidence, they must show, that they were possessed of a great deal more prescience of events, and more power to control them, than they exhibited at present. They had been told, to-night, that the great want of this country was a steady executive. He admitted, that that was the great want of Britain at present. They required a strong government. Were they to find a strong Government on the Treasury bench, whose chief recommendation, in their own opinion, was, that they were a middle party? A middle party governing a state was in the position of the gentleman in the fable, who taking the oyster, extended a shell to each of the contending adversaries. He maintained that a strong Government was essentially necessary. No one would maintain, that a weak Government was desirable, all that could be urged against Gentlemen on his side the House, was, that they could not form a strong Government. Upon them lay the responsibility, they did not shrink from it. In the acceptation of hon. Gentlemen opposite, a strong Government was a Government of strong measures. But no mistake was more common than that which confounds strong measures with a strong Government. Strong measures, on the contrary, were indicative of a weak Government. A Government had recourse to special commissions; a weak Government levied troops at the end of the Session, when there were not sixty Members in the House: it was only a weak Government which, in haste, was obliged to abolish the constitutional guardians of the peace, to erect a new police force in their stead. A strong Government was one, which, feeling itself firmly established in public esteem, was enabled to carry its measures through the ardent co-operation of all the influential classes in the realm, and to whom the great body of the people looked up with confidence, because they saw that the subordinate authorities of the state willingly and readily gave them their aid in what they undertook. But this was not the case with the present Ministry. All the support which they had to look to, was in new boroughs and new corporations of their own creating; all their hope in the destruction of the ancient bulwarks of the country which had supported previous administrations. This was not a state of things which could last long; and though hon. Gentlemen opposite might see no great difference between a majority of two and a minority of 104, so long as they could cling to the fruits of office, the time would one day come when they would be most unpleasantly awakened to their true position in the country. He repeated it, that before Ministers could meet with success, a vote of this kind, they must be prepared with much stronger proofs of the happy position of the country over whose affairs they presided. Did the Government expect a vote of confidence on the ground of any real confidence placed in them by their supporters? On the contrary, those supporters reminded him by their tone of a celebrated and recent verdict; they found the Government guilty, but recommended them to mercy. Of the party now in power it might be said, what could not be said of any other Government that ever existed, that not twelve months ever elapsed without some considerable Member of the Cabinet escaping from their toils, or shrinking from their responsibility. Let the advocates of the present Government look to those who had left their ranks, and then tell the country that the successive resignations of a Prime Minister, a Lord Chancellor, three Secretaries of State, a President of the Board of Trade, a Lord Privy Seal, a Postmaster General, a first Lord of the Admiralty, a Secretary at War, a President of the Board of Control, are emblems and evidences of a steady Government — an efficient executive. In one sense, indeed, he admitted they were entitled to the style of a steady executive—they were steady in their determination to retain their places, and the defence which was set up for them by one of their supporters, the hon. Member who piqued himself on his independence was one which he, their opponent, shrank from imputing to them; namely, that they were only desirous of retaining office, to make a peer and create a Baronet.

Sir *H. Verney* remarked that the Judge Advocate-General had, amongst other topics ably urged in defence of her Majesty's Ministers, challenged the hon. Baronet, the Mover, and his supporters of the motion, upon the attempts made by the present Government to introduce a system of national education, and emphatically put it to the House and the country, whether the provision made, and made with difficulty, and not without violent opposition, for so desirable an object, did not call for the gratitude and entitle them to the confidence of the people's representatives. With respect to the subject of education, the Judge Advocate had challenged hon. Gentlemen opposite to enter upon the merits of that great question, but not one of them had yet responded to that call. He would ask, was this a question whic the Government ought to have left untouched? He thought that question could only be answered in the negative; and then he was also firmly persuaded that the more the system now adopted was persevered in, the more it would be found that the principles upon which it was founded were the only principles upon which a scheme of education could be carried on either by the present Government or any other. Again, would it be denied that the measure of poor laws for Ireland was a subject of proud congratulation to the present Government? He believed that there was no act in which a Government might take more honest pride than in passing a measure of relief for a large suffering people, persevering in spite of the opposition of the aristocracy of that country, and of an hon. and learned Member who was here even more powerful than that aristocracy, being well convinced in their own minds that the measure was called for and justified by necessity. Now, what grounds were there for the present motion? He felt very certain that upon none of the grounds alleged by the hon. Member for Kilmarnock could the rest of the party opposite join in this vote of censure. In this House they were all independent members; and the welfare of the country was of more importance to them than the triumph of any party. All that he or other well-wishers of his country desired at the hands of Government was to have the country well governed. This was and should be the main and the important point with all. It had been almost admitted that the only objection against the Government was that it was weak. Now, as he knew their intentions to be good, their weakness appeared to him to be a strong reason why he should support her Majesty's Ministers. Could the hon. Mover make a stronger Government? Where could he find the materials within those walls? He could only say of the present Government that they had passed many measures of the greatest public utility and advantage during the last ten years. Would any one deny that the measures of the last ten years were more honorable to the Government and Parliament of the country, and more conducive to the good of the country, than those which had been passed in any previous ten years in our history? He did not think that it would be denied for a single moment. He could not blind himself to the fact that this motion was supported, and that if it were to be carried, the present Government would probably be succeeded in office by that very party which had most strongly opposed the passing of those measures; and therefore it was that he should have no hesitation in giving his most firm and decided negative to that motion.

Mr. *Ewart* had heard nothing that night which justified the present motion, which had been brought forward with such a formidable array of opposition. He would not refer to the unhappy events which had taken place in some parts of the country, except to express his regret that they should have been made the theme of party animosity; nor should he say any thing in reference to those baccanalian exhibitions which certain parties had indulged in. He should be contented in the first place with laying down the principles which he considered to be connected with the vital interests of the country; and in the second place, with inquiring which of the several great parties in that House were most likely to carry those principles into effect. He humbly ventured to ihink that the prosperity and safety of the country were mainly based on these two great principles;—first, freedom of trade; and, secondly, national education. Upon these great principles, political speaking, he based his faith; and to the ulterior consequences of those principles, duly carried out, he looked for the happiness and security of the nation. Freedom of trade—whether applied to develop the gigantic enterprise of commerce or the minute manufacture of the needle—

whether applied to the interests of the opulent merchant or to the necessities of the labouring artisan—to freedom of trade he looked as he best source of prosperity; to the extension of education he looked as the real source of order and of safety; for, till the poorest man should be taught by education how much he was interested in maintaining order, in obeying the laws, and extending the general prosperity of the country, there could be no solid defence against occasional turbulence and disquiet. He now came to inquire how far it was likely that those great principles would be carried out by the powerful party opposed to the Government. In the first place, he would ask whether that which was commonly called the Conservative party had shown any inclination or tendency to carry out the principles either of free trade or of national education? Involved in the principle of free trade was the question of the repeal of the corn-laws—a question daily growing into a gigantic interest—soon to be met by every one who pretended to the name of a statesman, and soon, perhaps, to shake the fabric of society to the foundation. To that question, whether through the medium of illustrious dukes or humble country esquires, the response of the Conservative party had still been fatal to the commercial prosperity of the country. Then, upon the next point. Had the Conservative party evinced any disposition to sustain the cause of national education? Whilst every other nation in Europe had of late years advanced with such unexampled rapidity in the march of education, it was lamentable in England to perceive that though millions were annually voted for the support of the army, the navy, and the ordnance, our estimates presented only the paltry sum of 30,000*l.* for the advancement of national education. He ventured respectfully to think, and to tell the hon. Gentleman opposite, that the day would come when they, in common with those who now sat on the ministerial benches, would look with wonder and regret at the course they had pursued upon the subject of education. He came next to another party in the House, and inquired whether that party was likely to concede the great principles to which he had alluded. He did not mean the high Conservative party, but that offset from it—that moderate, he might call it that Liberal Conservative party, which he considered to be led by the right hon. Baronet the Member for Tamworth (Sir R. Peel). It was impossible for any one to look at the conduct of that right hon. Baronet, and not to know, or at least not to suspect, that his views were far beyond those of many of his followers and supporters. He gave the right hon. Baronet credit for thinking that he saw before him much farther than many of his followers did. But the difficulty seemed to be how he could induce them to follow him. It seemed to be questionable whether the extended views which the right hon. Baronet took, would not place him in a solitary and isolated position, from which it would be equally difficult for him to retire with honour or advance with safety. The right hon. Baronet showed, in many of the propositions which emanated from him, a tendency to coincide with the views of the Liberal Members of the House; but whilst he would fain advance with them—whilst he cast his eyes forward to the same objects that they desired to attain, the loitering and reluctant party to which he was attached compelled his steps to be retrogressive. In this respect the right hon. Baronet resembles the fair fugitive in the lines of Pope, of whom the poet said—

> "Whilst a kind look at her pursuer flies,
> How much at variance are her feet and eyes!"

He therefore concluded that the right hon. Baronet, even if he had the will, had not the power to carry out the important measures which he desired to see accomplished. From neither of the Conservative parties, then, could he hope for a concession of the great principles to which he had adverted; therefore, upon neither could he repose any confidence. Lastly, he came to the Members of the Government who now sat before him—the third party in the House of Commons—and he asked how far they could meet the views of Members who, like himself, had laid down the two great axioms of free trade and national education as the bases of future legislation. He could have hoped indeed that it would have been in the power of the ministry to have proceeded with those great principles at a more accelerated pace; and he could have been well pleased with any ministry which would have stated boldly, "we take our stand upon these two vital questions, and by these questions we will stand or fall." He meant not to blame those who had not taken so open nor so bold a course. Perhaps it required more than ordinary energy to pursue it—an energy equal to that of the elder or the younger Pitt; but whether the Members of the present Administration were or were not able to proceed with such rapidity and promptness as the friends of free trade and national education desired, they had at all events gone forward in the right course, and still evinced a disposition to pursue it. Therefore, as compared with the other parties in the House, he gave them a strong and decided preference. But apart from the great principles to which he had alluded, he would turn for a moment to other subjects on which the interests of the community were much concerned, and would inquire whether upon those subjects the Ministry deserved the support of the Liberal Members of the House. In the first place, as far as they had carried out to its final accomplishment the great measure of negro emancipation, he thought they were entitled to the approbation of the Liberal party. In their colonial policy, also, he thought they had earned a meed of confidence. And although the change lately made in the colonial secretaryship did not enable the House to do more than augur with respect to the future, he hoped that the noble Lord who now held that important office, having filled others with the highest credit to himself, would steadily persevere in an onward course in that path which had been so ably pointed out to him by Lord Durham, in the masterly and statesmanlike report which he had laid before the Government; and that hereafter the colonial policy of the ministry would be worthy of a liberal and enlightened administration, which, whilst it kept up the communication between the old country and the new, would yet encourage freedom in the latter; and whilst it would not allow the colonies to be separated from the parent state, still looked forward to the probability of their final emancipation. He wished, he confessed, that the alterations which had been made in the police of the country had been a little more based upon the representative system, and he trusted that some amendments would be made in the measures which were last year hastily adopted upon that subject. Upon an occasion like the present, it was impossible not to advert to the conduct of Ministers with respect to Ireland. Upon that point their policy had unquestionably been one of soundness and success. Even the hon. Member for Kilmarnock did not dispute the fitness of the present Lord-lieutenant of Ireland. The hon. Member did indeed condemn the administration of Lord Normanby; but he gave his approbation to the administration of Lord Ebrington. Considering that the administrations of both had been conducted upon the same principle, he thought that the approbation given in the one case furnished an answer to the disapprobation expressed in the other; and that, as the same policy had governed both, both were entitled to the same degree of praise. He confessed that, during the recess, he had heard, with great regret, the imputations that had been cast, not only upon the Liberal party, but upon an illustrious personage, who might be regarded as the head of the Liberal party in this country; and he must be allowed to express the gratitude that every Liberal Member must feel to the Sovereign of these realms, who, for the first time since the days of William 3d., had maintained the principles of liberty against the prejudices of a great portion of her subjects. Considering that the principles upon which the Ministry and the Sovereign proceeded were sound, considering that they approximated more nearly to those which were the basis of his own opinions, and of a great portion of the Liberal party in that House—considering that the two other parties were either not disposed or not able to carry those principles into execution, he felt bound to meet the motion now before the House with a decided negative, hoping and believing that, in supporting the Government on the present occasion, he was supporting the two great principles of free trade and national education.

Mr *Andrew White* was understood to express his confidence in a ministry which, within a few years, had reduced the taxation of the country by 4,000,000*l.*, and extended to the utmost of its power the principles of free trade, and of national education.

Debate adjourned.

HOUSE OF COMMONS,

Wednesday, January 29, 1840.

MINUTES.] Bill. Read a first time:—Tithe Commutation Acts Amendment.

Petitions presented. By Messrs. O'Connell, J. O'Connell, and Currie, from a number of places in Ireland, for an Extension of the Franchise, and Corporate Reform.—By Sergeant Talfourd, from Reading, and Mr. Baines, from Braintree, and Great Wakering, for the Liberation of John Thorogood, and for the Abolition of Church-rates.

—By Sir R. Inglis, and Lord Stanley, from several places, for Church Extension.—By Viscount Sandon, from Birmingham, for an Inquiry into the Principles of Socialism.—By Captain Gordon, from Aberdeen, against the Obtrusion of Ministers into Parishes in Scotland.—By Mr. Maxwell, from Ashley, and three other places, against any further Grant to Maynooth College.—By Colonel Sibthorp, from Lincoln, and Mr. Lockhart, from Glasgow, against her Majesty's Ministers.—By Mr. Leader, from two persons in Chester Gaol, for Relief.

Confidence in the Ministry—Adjourned Debate.] Mr. *Litton* had heard in the course of the debate of the previous evening many observations made with reference to Ireland, to which he should have felt it to be his duty not to permit the night to pass over without replying, but for the absence of certain hon. Gentlemen connected with that country, for whose presence he was most desirous during the whole course of the observations which, in the discharge of a solemn duty, he felt compelled to make to the House. He had heard the Government of the Marquess of Normanby, while that nobleman held the distinguished office of Lord-lieutenant of that country, lauded upon the previous evening. To speak of that Government otherwise than in terms of the strongest censure, after the evidence which had been laid before the Committee of the Lords appointed to inquire into the state of crime in Ireland, was utterly ridiculous. Upon the evidence and report of that Committee he would make few, if any, observations; the course which he proposed to himself to take, having relation to the conduct of that noble Lord's successor. It was true that a vote had been passed in that House by a very small majority in favour of Lord Normanby's Government—of a Government which, for his part, he considered a nuisance; but the facts which had been produced before the Lords' Committee threw upon that vote the utmost ridicule. Had not the evidence taken by that Committee established the wholesale discharge of prisoners, and the setting aside of juries in Ireland? Had it not proved, that the judges there were treated by the executive as almost wholly unnecessary, their decisions having been set aside, as of no avail? He would not, however, further allude to the Government of Lord Normanby, but would direct the attention of the House to the maladministration of the government of Ireland during the last six months. When Lord Ebrington had first come among them, he confessed, that during the first three months of that noble Lord's administration he had entertained the best hopes that safety and peace would be re-established in Ireland, that justice would be fairly administered, and that all classes of her Majesty's subjects would be protected in their rights, in life and property, in security and peace. He would not say one word against the high character in private life of the noble Lord to whom he referred. But he confessed, that when, after being some time amongst them, that noble Lord declared, that it was his intention to follow in the footsteps of Lord Normanby, the peal of alarm was rung through the country—with what justice the House and the country knew. He had said in another place, and he repeated it now, that, in his opinion, the present Government of Ireland had encouraged sedition in that country. He need scarcely say, that many topics of agitation, he should not say whether just or not, had long since ceased to exist in Ireland. The Relief Bill had passed, and the tithe question was settled. Although he objected upon principle to the taking off of the twenty-five per cent., yet he did not hesitate to say, and in this declaration he was supported by the respected members of the Establishment, that with that measure he and they were fully satisfied—not certainly as a measure of justice, but as a measure of peace, and as depriving the agitators of one of their most fruitful topics. He had therefore been led to believe, that all the materials of agitation had been exhausted, and that there now remained no subject upon which any man could deem himself justified in exciting the country to rebellion. For three months after the close of last Session a great part of Ireland, including the metropolis, was in a state of comparative peace; and he felt satisfied, that, if the agitators would but relinquish their pernicious trade, English capital and English manufactures would flow into that country. But peace and tranquillity would not suit the purposes of the agitators, and he did not hesitate to say, that the Government had encouraged their projects. Upon the motion now before the House he had nothing to do with individuals—the censure was directed against the Government. To establish his proposition he would read extracts from two speeches made within a mile of Dublin Castle, and almost within hearing of the law officers of the Crown. The first speech was delivered on the 27th of December last at a public meeting, composed principally of the lower classes, and these were the words used. The hon. and learned Gentleman then read an extract nearly in the following words:—

> "I have always declared that not one drop of blood should be shed—I hate bloodshed and violence; but I now declare that, having struggled through many contests, I am ready to die in the field rather than submit to Tory domination. I have always declared, that not a drop of blood should be shed—but I am ready to die in the field rather than submit to Tory domination. Let others do what they may, I am determined not to submit, and I am certain I will not stand alone, for I will be supported by millions in that determination."

He would ask any lawyer, either in the House or out of the House, to contradict him when he stated that language like that was at least sedition. If language like that had been printed or published by the authority of him who used it, he would ask any lawyer to contradict him when he stated, that such printing and such publication would be little short of an act of treason. Besides, we were not left in the dark as to the meaning of those expressions; for after he had himself humbly and respectfully, but still boldly, called the attention of the law officers of the Crown at a meeting of his constituents to that speech, and had asked them first, if they intended to prosecute the speaker, and next, if they intended to let him remain in the commission of the peace for Ireland, the hon. and learned Gentleman, on the 11th of January last, at a public theatre, as it was called, in Dublin, which had been made of late the arena for his anathemas against everything that he (Mr. Litton) believed to be just, right, and honourable, had followed up his former by similar expressions. Talking of the House of Lords, the hon. and learned Gentleman said—

> "If one of those aristocrats had gone to a stock broker and told him that Tipperary was in commotion, that Galway was in arms, and and that Kerry (the hon. Gentleman's native county) was up, and led on by—(here, said Mr. Litton, there was a blank, and cheers from the people)—if that had been stated, and if the same authority had asked, in case it were attempted to put down these disturbances, and to hang the agitator, what the national debt in this country would be worth, what do you think would be the answer of the stock-broker?"

If there could be any doubt, that there was in the previous remarks he had quoted treason and sedition, they received on this subsequent occasion an ear-mark from the speaker which it was impossible for any man longer to misunderstand. Again, he found in a speech, which the hon. and learned Member delivered on the same day, at a dinner which was given to him, the following language:—

> "That the people of Ireland were to talk no more, and were no longer to show either apathy or agitation. The man who did not become as great an agitator as he (Mr. O'Connell) was, was a traitor to Ireland. He bade them send round to their million of men with their thousands of leaders, and let them know, that their country was lost, if their congregations did not rise to prevent their liberties from being wrested from them by force and fraud. The peasant was ready to sacrifice himself, and he called upon them to stand between him and the knife of the oppressor."

He hoped and believed, that the speaking of these words would not be denied in that House; he hoped and believed that the printing and publication of them would not be denied in that House. If they should be denied, he for one would not believe the denial. He had taken the first paragraph which he had read from the *Pilot* Dublin newspaper, which was known to be the organ of the agitating party in Dublin, and which was understood to be under the influence of the hon. and learned Gentleman himself. If that newspaper was the hon. and learned Gentleman's organ, and if the publication of those expressions took place with the knowledge and privity of the hon. and learned Gentleman, then he asked his hon. and learned Friend, the Solicitor-general for Ireland, to answer him and say, if he could, that those words were not treason. If, however, they were not published with the approbation of the hon. and learned Gentleman, then he asked his hon. and learned Friend, the Solicitor-general, to answer him and say, if he could, that they were not sedition. No proceedings had been taken upon those words. Was the House then to understand, that the Government of Ireland approved of such language? If the Government of Ireland did not approve of it, was the House to understand, that the Government of Ireland had never heard or read of this treason? Did the Government believe, that those expressions were true or false? Did it believe, that there were a million of men in Ireland with thousands of leaders ready to come forward against her Majesty and her Government in case she exercised her undoubted prerogative and dismissed the present Administration? Did it believe, that such an assertion was correct, and that there were any number of men ready for such an outbreak, aided by a class whose names had not been mentioned, but whose influence made itself felt in every hamlet in Ireland? If they believed it to be correct, what then became of the vaunted tranquillity of Ireland, of which they heard so much last night? The House had heard that tranquillity put forward last night as one of the brightest feathers in the cap of the present Government. That conditional tranquillity, that conditional and qualified allegiance, was the more dangerous, because it was put forward to lull those whose lives and property were in daily jeopardy into a state of apathy or neglect. If this tranquillity was only conditional, then, he would ask, what measures, or if any, had been taken to preserve the properties and lives of her Majesty's subjects in Ireland, which would be endangered, in case she appointed a Conservative Ministry? Had the troops been withdrawn from Ireland, that the million of men, with their thousands of leaders, should have a clearer field for their attack on the Government of Ireland? He had no doubt, that in the course of the debate the House would hear the noble Secretary for Ireland read many returns to show the decrease of crime in that country. He dared say, that the House would hear, that crime had decreased one-half during the last six months in Ireland. He dared say, that the House would hear the unusual sobriety of the people of Ireland boasted of as a bright feature in their character. No doubt the decrease of crime and the increase of sobriety were words grateful to the ear; but if that decrease of crime, and if that increase of sobriety were ordered for a purpose—if they were ordered for the purpose of throwing the loyal and well-disposed off their guard, were they not the more awful for the very stillness in which they occurred? And if so, did they not constitute an additional reason for regret? Did the Government believe this vaunted tranquillity to be false? Did they believe it all a mere idle boast? If they did, then he asked even those who differed from him in politics whether the Government deserved the name of a Government which, believing that tranquillity to be false still permitted a sanguine and excitable peasantry to be drawn from the paths of peace by discussions like those to which he had alluded? Was it not to such discussions that Ireland owed the expatriation of her gentry, and the exclusion from her spacious harbours and verdant fields of British capital, manufactures, and enterprise? He asked the noble Secretary for the Colonies, with all the experience which he had derived from the late events in this country, whether such language was not calculated to excite rebellion, and to produce a lamentable loss of life among the victims of agitation? The noble Secretary for the Colonies had been called upon last night to explain why he had appointed Mr. Frost to the magistracy after the speeches he had made at different public meetings. The noble Lord replied, that at the time he had no knowledge of the nature of those speeches, but that as soon as he obtained knowledge of them he dismissed Mr. Frost from the magistracy. Had her Majesty's Government in Ireland acted upon that principle? The attention of the Government and the law officers of the Crown, had been called to the speeches of the hon. and learned Member for Dublin within a week after they were spoken. They were asked whether, after dismissing Colonel Verner from the commission of the peace for a mere toast, they could justify themselves for continuing in it an hon. and learned Gentleman who had made such speeches as he had mentioned that evening to the House? They had continued the hon. and learned Gentleman in the commission, and if the same unfortunate results should follow from his continuance in the magistracy which had resulted from the continuance of Mr. Frost, how would they answer it to the country, if only five instead of twenty-six lives were sacrificed? He would allow every one to indulge in the fair delivery of his political sentiments; but when an agitator spoke such language as he had given the House a specimen of to a benighted population, the Irish Government, if it permitted him to remain a moment longer in the commission, especially after the recent melancholy catastrophe in South Wales, would not deserve the name of a Government. He had said, in the opening of his speech, that he would confine himself to the events which had occurred within the period of the last three or four months in Ireland? One of those events was, that within forty-eight hours after the delivery of this seditious, if not treasonable speech, the hon. and learned Member for Dublin was seated as a guest at the social table of the Lord-lieutenant, her Majesty's representative in Ireland. It might be said, that the invitations given by the Lord-lieutenant to persons of the rank and station of Members of Parliament were mere matters of course. But that he utterly denied. He asserted, that it was contrary to all usage and example, that the speaker or writer of such language as he had described, should be invited to the social table of her Majesty's representative, as it leads the population to believe, that such speeches have the support and sanction of her Majesty's Government. It leads them to suppose that the Government has formed a sort of joint-stock company with the hon. and learned Member for Dublin in the trade of agitation, and that if her Majesty does exercise her privilege in calling other statesmen to her councils, 1,000,000 men, with their thousands of leaders, would be ready to step forward at their command, and coerce the exercise of their privilege. The Gentlemen opposite had asked last night for some tangible proof of mal-administration in Ireland. He had now mentioned a fact, which bore him out in his assertion, that the Government, both in what it had done, and in what it had not done, had led the people of Ireland to believe that they encouraged not only language like this, but also what he (Mr. Litton) called sedition and treason. There were one or two other topics alluded to by the different speakers last night, to which he wished briefly to advert. It was said that there had been no complaint in Ireland respecting the system of national education now adopted in that country. Complaints there were bitter and reiterated by one class in that country—he meant the Protestants. That those complaints were not made in that House, was because the Protestant part of the Irish population had applied to it for redress for years, and had always applied for it to no purpose. Let it not for a moment be supposed that the want of complaint to that House was a proof of the absence of the cause of complaint. Quite the reverse. Those schools were now for the most part under the control of the priests, and were therefore deserted by the children of Protestants. It had likewise been said, that if the right hon. Baronet, the Member for Tamworth, whom he and his friends acknowledged as their leader—[Oh, oh!]—yes, whom they acknowledged as their leader, with whom they do not now differ, and with whom they never differed on any essential principle of government, should succeed in becoming the Minister of the Crown, and in directing the counsels of the nation, in Ireland he would have no other support than that of the Orange Associations. It was a gross misrepresentation of those persons who had once formed the Orange body, to speak of them as still existing; there were now no Orange institutions or societies in Ireland. As soon as his late Majesty, William 4th, had expressed an opinion unfavourable to the existence of that society, all the noblemen and gentlemen who had been the leaders of that loyal body—for so he might term it, although he never had been an Orangeman, nor ever would belong to any secret political association in his life—assembled, and though by law they might have continued their meetings, abandoned the privilege, in deference to the wishes of the Crown. A letter was immediately issued, abolishing the societies. It had been alleged that he, last summer, gave an opinion favourable to the establishment of an Orange society at Cork. That assertion was completely without foundation. A case had been sent to him in the name of an attorney who was not known to him, in order that he might give his opinion as to the establishment of a society with certain rules and regulations, without secrecy in its proceedings, without any oaths or pledges, conformable in every respect to the provisions of a late Act of Parliament. He had given an opinion that such a society was perfectly legal, and that opinion had been published in the newspapers, he need hardly say without his sanction or knowledge, though there was not a word in it which he would retract. The society, in short, was no more than a Protestant association—that he admitted it to be—for the purpose of sustaining the throne, the Established Church, and the Protestant succession; and its principles were such as no honest man need be ashamed of. He had heard a cheer of dissent when he spoke of the right hon. Baronet, the Member for Tamworth, as the leader of the Conservatives. He supposed the ground on which hon. Gentlemen opposite built their fragile hope of a division in the Conservative camp was the difference of opinion which prevailed between the right hon. Baronet and some of his supporters on the privilege question. Now, in his judgment, that question did not involve one jot of the public principles which they upon that side of the House held in common. One party, which included the right hon. Baronet, and many of those who acted with him, were of opinion that that House had a law of its own, paramount to the law of the land, while others had wished to subject the doctrine of the privilege to the decision of the judges. Now if, upon such a difference of opinion as that, hon. Gentlemen opposite rested any hope of a division of opinion among the Conservatives, he wished them joy of the brightness of their prospects, but he could assure them it was wholly illusory. There was only one other measure on which he had ever had a difference of opinion—the Municipal Corporation Bill for Ireland last year. Against the second reading of that bill he had unquestionably voted, because the principle of municipal election, although it existed in the bill, was so swamped and discoloured, that he knew it would be impossible to have anything like a just election under it. What was the result? It was found that the bill was so unjust, and so radically defective in all its parts, that it never became law. Had there been any difference between the right hon. Baronet and his friends on the education question, the Jamaica question, the Canada question, or any other great measure of foreign or domestic policy? The policy of the Conservative party he took to be to discourage sedition, to see that the magistracy were pure and unsuspected, to prevent our flag from being dishonoured, and our trade from being crippled, to sustain our civil and religious institutions, and, above all, to maintain in its full honour and influence the Established Church of the country, which he considered to be the great bulwark of our civil and religious liberty. To every point of this policy he conceived that her Majesty's present Ministers were opposed. Upon that ground it was that he joined in the vote proposed by the hon. Member for South Devonshire, and that he expressed for himself, and he believed for the great mass of the people of this country, his total want of confidence in her Majesty's Government as at present constituted.

Mr. *Dennistoun* would leave the defence of the Irish Government to the Ministers, who were perfectly able to do it, but he was anxious to state the grounds which called upon him to give his cordial support to the amendment of the right hon. Baronet. If the question were, whether her Majesty's present Government was the best that could be, or whether there might not be formed out of the Liberal party in this country a Ministry better entitled to the confidence of the country, he should most likely be found voting in opposition to the noble Lord below him. But that was not now the question; the question now to be determined was, whether the House was disposed to place its confidence in the noble Lord or in the right hon. Gentleman opposite. That being the case, he would very briefly examine the conduct of the Gentleman opposite. If he took as a sample the conduct of the right hon. Gentleman from his first entrance into public life up to the present moment, he found that he had been, upon all occasions, behind the spirit of the times. He found him up to the last moment the most eloquent opponent of the repeal of the Test and Corporation Acts; the same with regard to the Emancipation Act, and the same with regard to the important measure of Parliamentary Reform. What, on the contrary, had been the conduct of the noble Lord? He was no partisan of the noble Lord—he was as independent of the Government as he was of the right hon. Gentleman, but he found, that from the first entrance of the noble Lord into public life, and up to the present moment, he had never for one instant swerved from the principles of his youth, and on that ground alone he should be disposed to support the noble Lord. Then he found hon. Gentlemen opposite the opposers of any amendment in any abuse. True it was that they said, "Show us any real abuse, and we will provide a remedy," but he would ask whether, as a party, they had not set themselves against every amendment? Take the Reform Bill itself. Had they not done all they could to thwart the beneficial working of that measure? There was one amendment in particular which had been introduced with reference to reform. What had hon. Gentlemen opposite done with regard to the fictitious votes? The evil was allowed on all sides and by all parties? it was admitted to be a gross abuse. The Lord Advocate had brought in a bill to remedy that admitted abuse, yet what did the noble Lord opposite (Stanley) do? Why he said that he could not allow the bill to pass, because it would be introducing a new principle. If the noble Lord and his party were sincere in their wish to remedy every proved abuse, and objected to the proposal of the Government, ought not the noble Lord, or his Friends, to bring forward some other measure which would be unobjectionable, and equally effectual? Then, again, what was the position of the right hon. Gentleman opposite with respect to the question of the Corn-laws, and of free trade? Was it possible, but that the Cabinet of the right hon. Gentleman must be cordially united in resisting every and any alteration in those laws? If that were the case, how could the right hon. Gentleman come forward and ask the confidence of the country? The very question of religious liberty would, in the hands of hon. Gentlemen opposite, become nothing better than a farce. What had they done with regard to the working of the Emancipation Act? Did they wish it to be fairly used? If so, how was it that, when an appointment had been made of two Members of the Ministry, there had been a savage howl from one end of the country to the other? True the subject had not been mooted in that House; but why had it not? Had there been one single meeting during the recess at which this had not formed the staple article for declamation? If the Gentlemen opposite were in office, were they not likely to have a revival of religious bitterness, and an end to the operation of that great principle, that all fit persons, whatever their religious opinions might be, should be permitted to hold civil office? It was for these reasons, that he gave his decided and cordial support to the amendment of the right hon. Baronet. But at the same time he must be permitted to say, that if the noble Lord wished to give satisfaction as well out of as within that House, he must be prepared to fling more widely open the doors of that Assembly; for so long as the Members of that House were the representatives of a section only of the people, they would have only the confidence of that section; if they wished to restore the perfect confidence of the country, they must set themselves fearlessly and zealously to inquire into the condition of the people, and endeavour to raise the moral as well as the physical standard. By so doing her Majesty's Ministers would secure not only a fleeting support, but the full and hearty co-operation of the people.

Mr. *H. Gally Knight:* I shall not trouble the House at any length, and, painful as it is to me, at all times, to address the House, it is doubly painful to me to do so when I feel compelled to express an entire want of confidence in men with whom I have formerly acted, and for many of whom I still entertain sentiments of undiminished regard. But the same sense of duty by which I have been hitherto actuated, compels me not to give an absolutely silent vote on the present most important occasion.—It is not my intention to detain the House by touching upon the variety of topics upon which other hon. Gentlemen have enlarged; but to confine myself to my own country—I might almost say to my own neighbourhood—and in these alone, I regret to say, I find but too sufficient causes for want of confidence in our governors; I allude to the disturbed state of the manufacturing districts. In the manufacturing parts of the county which I have the honour to represent, things have remained, for above a year, in the most unsatisfactory state. The Chartists are numerous—they have secret meetings; they are organised; extensively armed; in correspondence, through delegates, with every manufacturing part of the kingdom; and obedient to a Council, from which they receive instructions from time to time. More than once they have shewed themselves openly. Ballot and universal suffrage are their pretended objects; but spoliation and a division of property are their real designs. I do not pretend to say, that I have any fear of their at any time realizing such chimerical views; but of this I am persuaded, that if things are allowed to go on as they are at present, destruction of life and property will be the consequence, in repeated instances. Those who reside in the neighbourhood are harassed by continual apprehensions, and obliged to keep themselves in a constant attitude of preparation and self-defence. They feel to be living by the side of a volcano, which may, at any moment, explode, and mark the surrounding country with a black stream of devastation and blood. It was but the other day that an explosion was on the point of taking place at Sheffield, which would have been of the most dreadful description. Had it not been for the information which the magistrates received only two days before, a town, containing 60,000 inhabitants, would have been given up to the flames. Fortunately the magistrates did receive information, and acted with a promptitude and energy which did them the greatest credit, and which saved the town. On this occasion, a vast quantity of arms, and destructive implements of every sort, were discovered, and it was ascertained, which I mention with horror, because it shews to what depths of demoralization some of my countrymen are already sunk—that several gentlemen of the neighbourhood, of course distinguished for their abilities and activity, were marked out for destruction. Is it of England that I am speaking, and advancing no more than the truth?—It is well known that the other manufacturing districts of England are in no less disturbed and disaffected a state; and I assert that it would never have come to this had Ministers done their duty. In whatever cause disorders may have originated, they would never have assumed the serious, and far from transient character, which they now wear, had it not been for the incessant agitation that has been permitted to go on—had it not been for that general slackening of the reins of Government, in consequence of which the people no longer feel themselves restrained by any control, and are induced to meditate what, under a firm Government, would never have entered their thoughts. It has always been found difficult enough to govern manufacturing masses. It was so in old times—it was so in Belgium—in Ghent and Lousain—it is now so in England; but, as this is the case, and as, in England, there are immense masses of this description, which will go on increasing from year to year, was it not the duty of Government to pay the earliest attention to the first indications of disorder amongst that very numerous and important branch of this community? It is not that I desire to keep them down by the strong arm and the presence of the military—on the contrary, I wish to see them orderly from inclination, prosperous, and happy—and wishing this, I think it was as cruel as it was wrong, to permit them, month after month, to be deluded and inflamed by demagogues, and continually worked upon by the poison of seditious journals. And when, in the beginning of these disorders, the noble lord, at that time Secretary of State for the Home Department, made that declaration at Liverpool, to which allusion has been made, and when her Majesty's Attorney-general boasted, at Edinburgh, that he had made no unusual exertion, am I not justified in saying, that the Government has not done its utmost to check or repress the disorders? And I must say, that another thing, which increases my want of confidence, is the extraordinary degree to which the Government appear to have remained in the dark, on a subject on which it was so desirable for them to be accurately informed. After the outrages at Birmingham, we were assured, that there was an end of Chartism. To the Magistrates it was said, "The less you do the better, for Chartism is subsiding of itself." We heard nothing more till the insurrection in South Wales took place, which was, in a short time, followed by the equally unexpected conspiracy at Sheffield—both of which took the Government by surprise. How, then, can we, at least, who live in the neighbourhood of the disturbed districts, place confidence in the vigilance of the present Government. I say that the height and continuance of these disorders is mainly attributable to the Government. And I say, further, that the present Government will never have it in their power to restore the minds of the people to a wholesome state, because, dependent as they are for political existence upon those who are opposed to all control, they are ever in dread of giving offence to their supporters by adopting a firm course. Nor does it stop here—for, seeking to ingratiate themselves with the men of the movement, they are continually making bit-by-bit concessions, which are by degrees sapping the foundation of the altar and the throne. I was myself a supporter of the Reform Bill; but I remember well that the Cabinet of that day invariably urged the concession of so large a measure, upon the ground that a large measure would not be opened again. But her Majesty's present Ministers, to curry favour with their partisans, have more than once shewn themselves disposed to tamper with the Reform Bill. Witness the rate-paying clauses, with which the noble Lord is willing to dispense—witness the ballot, which is now made an open question in the Cabinet. Equally to please their partisans, the Ministers seek to humiliate the Church, and reserve all their smiles for her enemies. How could it be otherwise with a Government who chiefly rely upon Dissenters for support? I do say that the plan of education proposed last Session, the mixed Normal School which Ministers wish to establish in the metropolis, and the exclusively lay and party Board to which they have entrusted the education of the country, upon the strength of a majority of two, can only be considered as a heavy blow to the Church, and a proportionate encouragement to her opponents. Let it not be said that when I oppose the Ministerial plan, I am opposed to national education; on the contrary, I am anxious to promote it, and in a liberal manner. What I should wish to see is a system of national schools, supported by a school rate, in which it should be imperative to teach the catechism; but not imperative on all children to learn it; I mean not imperative on the children of such parents as might have conscientious objections. This plan is of the nature of that which was introduced in Scotland in the time of Charles the Second, and has done so much good. But to the Ministerial plan I must ever be opposed. If it were not for the pledge I have given, I might have adverted to the frightful state of our finances, and to the unheard-of folly of giving up a million and a half of revenue, in spite of alarming deficiency, in the teeth of the recommendation of the Committee; and if this, again, was done, as was currently reported, to obtain the support of the Radicals, and catch a certain number of votes, I am at a loss for terms in which to convey my opinion of such a proceeding. From our finances I might have passed to our Colonies—I might have pointed to the prolongation of the disorders in Canada, from the want of firmness in the Government, and to the difficulties by which we should have been beset in Jamaica, had not the intentions of the Government been effectually counteracted; and when we are triumphantly desired to look to India, I might say that, admitting to the fullest extent the gallantry of our troops, I must be permitted to doubt the policy of the expedition itself. Into the vast field of foreign affairs it is not my intention to enter—further than to enter my disclaimer of any participation in those bigoted opinions with regard to Spain, which have been so liberally imputed to this side of the House. I was always a Christino; I rejoice that the contest has terminated in favour of the Queen, because, having been in Spain myself, I have seen to what a degree of degradation that fine country had sunk, and I should have deeply regretted had it been again subjected to the double pressure of despotism and fanaticism. But I have already transgressed my boundaries—I revert then to my original charge—I revert to the state of this country—and I contend that a great part of this country is in an alarming state, that our institutions are in danger, and that the present Ministers have not the power of bringing us back to health. What else could be the consequence of the manner in which the present Ministers forced their way back to power? What else could be the consequence of Lichfield House?—when, disregarding the feelings of the Sovereign, disregarding the tranquillity of the country, disregarding the stability of our institutions, the Ministers placed themselves under obligations which could only have the effect of compelling them unduly to favour the advance of the democratic principle. Such was my conviction at the time; it was that conviction which placed me where I am, and from that time to this, every thing has taken the downward course I apprehended, only with a velocity greater than I had expected; and when I look to the character of the last changes in the Government—when I look to the declared opinions of its new members, I cannot but believe that the word has again been given to "go a-head." For these reasons I cannot give my confidence to the present Ministry; and when it is insinuated that the accession to power of the right hon. Baronet, the Member for Tamworth, would only be a return to the old Tory system, I assert that Gentlemen opposite know that such would not, and could not, be the case. They know that in the Reform Bill they have a guarantee for a liberal system—they know that neither my noble Friend, the Member for North Lancashire, nor my right hon. Friend, the Member for Pembroke, would consent to form part of a Cabinet by which any other than a liberal system would be adopted. They see that the right hon. Baronet, the Member for Tamworth himself, his large and comprehensive views—and they may rest assured that, though the great party who are enlisted under his banner, may, at this moment permit themselves to follow their own notions on the question of privilege, yet that they would support any measure which might emanate from a Cabinet, of which he was the head, with the whole of their strength, and as one man.

Mr. *Rice* said, in the present state of the country, to attempt, as this motion attempted, to deprive Ministers of the confidence of the House, and to weaken the executive Government, was a course so reckless, that he could scarcely bring himself to believe that even hon. Gentlemen opposite would adopt it. He put it to hon. Gentlemen opposite whether, at this time, there was not more at stake than the mere existence of this or any other Government—whether the temporary and uncertain triumph of party was an object worthy of attainment at such a price—whether the still more temporary and uncertain tenure of office might not be too dearly purchased? He regretted, too, that the new-born tranquillity of Ireland should still be so much in its infancy as still to require to be cherished by the Government in which it originated. He admitted that Ireland owed much to the right hon. Baronet for the great concession of civil and religious liberty, and to the noble Lord, the Member for North Lancashire, for his exertions in support of the national system of education in Ireland, but he did dread the opinions of some of the supporters of the right hon. Baronet in the House, and still more the opinions of some of his supporters out of the House. He did not fear their numbers or their suffrages, but he dreaded the effect which the violence of their opinions might have on the measures of the right hon. Baronet if he again came into office. The fewer the numbers, the greater the violence. The course pursued by the present Government, with regard to the Church, had been often strongly animadverted on; but he maintained, that by reducing the abuses in the Church, they had done a service to the Church, by lessening the causes of dissent. Hon. Gentlemen opposite professed to be the exclusive friends of the Church. They seemed to think they were bound to receive service from the Church in return. That was the real reason of the cry that the Church was in danger. His opinion was, that the security and the danger of the Church rested with itself. Its security consisted in the purity of its doctrine, and its dangers must arise from abuses in its discipline. He was at a loss to conceive what could be the real object of hon. Gentlemen opposite in bringing forward this motion at such a time as the present. Would that he could indulge in the hope that the decision of this motion would put an end to party warfare for a time. That this House should possess the respect and confidence of the people was of the utmost importance. How could the people be expected to confide in the House if their time, which was so valuable in the present state of the country, was occupied in such discussions as these? He hoped that the result of this motion would be to strengthen the hands of the Ministry who had governed the country on liberal principles, and he also hoped that if the consequence of the division on the motion was a dissolution, the consequence would be a further triumph of those principles.

Mr. *Pakington*, as he had long been of opinion that the dismissal of the present weak and vacillating administration would benefit the country, could not consent to give a silent vote on this momentous question. The difficulty he had in grappling with the subject was the superfluity of grounds for charge against them; for there was not one branch of the great affairs of this country that did not afford fair ground for inculpating the Government. If the present resolution was carried, the result would be, to establish a Government strong in abilities, and in perfect union with its supporters, who would be prepared to follow that great statesman whom they acknowledged as their leader. He could not but regret that this motion had not been brought forward last year instead of at the present time. Had it been brought forward last year, it was notorious that it would have been carried, and the country would have been spared the evils inflicted on it since the last session. But during the recess Ministers had, in order to secure the support of the ultras of their party, made concessions to the democratic spirit which had recently been making such strides. The first concession was that which made the ballot an open question. The next was the Penny Postage system. Popular as that measure had been, he would not shrink from avowing the opinions he entertained on the subject of the concession of what was likely so seriously to affect the finances of the country. Even had the revenue been in a flourishing state, the post-horse duty had paramount claims; but conceded, as the measure was, at a time of great financial difficulty, he could not look upon that concession but as a most unworthy bidding for popularity. He sincerely believed that the interests of the monarchy and of the Protestant Church were in danger as long as the present Government remained in office. Since they had taken office, they had done their utmost, at home and abroad, to discourage loyalty, while disaffection had met with promotion and reward. Amongst all classes of persons the strongest disapprobation prevails at the manner in which her Majesty's Ministers have prostituted the bench of justice to party purposes, and at the way in which they have polluted the magisterial bench by the protection of some of their partizans, with the hope that their violence would be restrained, but the result showed how much their expectations had been disappointed. His hon. Friend the Member for Kilmarnock last night dwelt on the treatment that the Chief Justice of Newfoundland (Judge Bolton) had experienced from the Government, as there was little doubt that it was chiefly owing to his strong loyal feelings, his anxiety to preserve the connection between the colony and the mother-country, and his attachment to our Protestant institutions, that he had been deprived of his office. There was another instance of similar treatment practised towards Mr. Hagerman, the Attorney-general of Upper Canada, who, merely for expressions that he used in the House of Assembly of that colony of strong attachment to the Protestant institutions of this country, and his determination, at any sacrifice, to preserve the connection with the mother country, was also dismissed from his office. He would now mention some instances of an opposite nature, where honours had been most unworthily bestowed in these colonies: the first was that of Mr. Reddard, in the Province of Upper Canada, who for most violent conduct on his part was placed on the bench of justice, where he indulged in the most intemperate language; and where was he now? An exile for treason. He would mention one more instance of violence of conduct leading to promotion; namely, that of Mr. Viger, in Lower Canada, who was promoted to the bench; and who, he believed, was at the present time under suspension, in consequence of his agitation in that province. Coming nearer home, he would refer to the instance of the notorious John Frost, who was placed on the magisterial bench by the noble Lord opposite [Oh! oh!]. He did not understand those groans. Was it true, or was it not? Did not the noble Lord receive ample warning respecting this nomination before he made it? and what was now the condition of this man? He now came to the last instance of their objectionable appointments to which he should allude, and if it did not take place it was not the fault of the Government. Of all the instances of false policy which could be adverted to, he thought what he was about to mention was the darkest stain upon the conduct of her Majesty's Ministers. It had often been repeated, and he had never heard it contradicted, that an offer of the seals, or the bench of justice, had been offered to the hon. and learned Member for Dublin. Whenever a point of policy of this kind was alluded to, he did not like the mode in which it was met by the party opposite, namely, an unmeaning laugh; but he was not to be put down by anything of the kind. He was, however, glad to see the hon. and learned Member for Dublin in his place, and he could assure him that he did not wish to say anything personally offensive to him, but looking to the political career of the hon. Gentleman, from its commencement to the present time, he must say, that he never remembered any thing more disgraceful on the part of the Government during their present career, than the attempt to promote this individual to the bench of justice. Her Majesty's Ministers might think that they were authorised in exercising their patronage in any manner they pleased, but they might depend upon it that the country was not indifferent to their proceedings; and as long as the bench of justice was prostituted in this way by her Majesty's Ministers, their conduct could not be regarded by the people with other feelings than those of apprehension and alarm. It appeared to him that the general policy of her Majesty's Ministers was most dangerous to the Church of England, and to the Protestant institutions of the country. The right hon. Gentleman (Sir G. Grey) who spoke so ably and eloquently last night endeavoured in vain to combat this charge, and he did so by alluding to the Tithe Bill and other measures which he stated were calculated to give stability to the Church. But he would ask the right hon. Gentleman whether the Church of England had any confidence in her Majesty's Ministers. God forbid that he should say anything personally offensive to any hon. Members; but he firmly and conscientiously believed that their policy was hostile to the best interests of the Church. Hon. Gentlemen might deny this if they pleased, but the members of the Church, and those most strongly attached to the Protestant institutions, when they looked to the construction of the Government, and to the measures which they had brought forward, such, for instance, as their disgraceful proceedings respecting the appropriation clause, at their attempts to deprive the bishops and other dignitaries of the Church of their property, at their education scheme, which had received the sanction of that House by probably the smallest majority that ever sanctioned any great public measure, and above all, to the presentation of the avowed infidel Mr. Owen to her Majesty by the Prime Minister of this country—it was impossible for them to believe that our Protestant institutions were safe in the hands of her Majesty's Ministers. The hon. Member for Glasgow alluded to what he was pleased to call the savage yell and outcry that had taken place at certain Conservative meetings at the appointment of these Roman Catholic Gentlemen to offices connected with the Government. He should be glad to hear in what part of the country these meetings were held and when they took place. He had never heard of anything of the kind, and he was induced to believe that the hon. Gentleman was altogether mistaken. For his own part he did not object, nor did he believe that any person connected with the Conservative party objected, to the appointment by the present Government of the hon. Member the Secretary for the Admiralty. No objections were entertained to this appointment; but the most serious objections were felt to the appointment of the right hon. Member for Tipperary as Vice-President of the Board of Trade, and of the hon. Member for Waterford to a seat at the Treasury board; he did object to these appointments because the Gentlemen were Roman Catholics; it was not because they professed a creed different from that of the majority of the people of this country, but on other grounds, namely, that they formerly had behaved in a manner which on principle was most objectionable and which had made them obnoxious to large bodies of the most loyal and faithful subjects of her Majesty. The objections entertained were to the past political conduct of the right hon. Member for Tipperary, and to the opinions entertained by the hon. Member for Waterford on the subject of education; for he, with great ability, advocated, and no doubt sincerely, a system of education which they believed to be hostile to the best interests of the nation. He felt that this opinion was entertained by a large body of the people. He wished before he sat down to say a few words in answer to those hon. Members who had alluded, in a tone of triumph, to the success of the late elections. These hon. Gentlemen appeared to him to rest their triumph on a very slender ground. A few places had been selected by the Government in which they could risk contests consequent on the recent changes in office, and these had been carried in the face of a very powerful opposition, and they succeeded in gaining them by very slender majorities. Look to Newark, where there was not only a very slender majority, but, if the public were well informed, the election had been carried on in a very extraordinary manner. He saw very small matter for boasting on the part of Gentlemen opposite; but, besides the elections for these places for the seats of those Ministers who had changed their offices, other elections had taken place. He would advert to two of them. How, he would ask, had Protestant Beverley acted? When Gentlemen opposite boasted of their triumph, as they called it, at Newark and Falmouth, where Government had some influence, he did not see why he had not a similar right to boast of the success of the Conservative candidate at Beverley. But there had been another election which he could not help regarding as of the greatest importance: he meant the contest for Birmingham, which was just over. The return for that place had been made a matter of boast by hon. Gentlemen opposite; but what were the opinions entertained by the hon. Member who had been returned? He was glad to see the hon. Member in the House, as he wished to make an observation on the opinions which he understood were entertained by the hon. Member. If he was not misinformed, the hon. Gentleman, on the hustings, at the late Birmingham election, declared that he was a republican in principle. Was the Government aware of this?—and, entertaining the opinions which the hon. Member professed to do, he should like to know what he saw in the proceedings of Ministers to prompt him to support them. That hon. Gentleman must see something in their acts which he thought calculated to advance the opinions which he entertained, or otherwise he would not support the Government. Was not this another proof of the backward course of the policy and the unsoundness of the principles of her Majesty's Ministers? When this Gentleman was returned to the House, and boasted that he entertained republican opinions, he did not take his seat behind her Majesty's Ministers for nothing—he must have his price.

Mr. *Scholefield* rose to order, and appealed to the Speaker as to whether it were not most disorderly on the part of the hon. Member to make a charge of this kind, and to insinuate that any hon. Member had his price.

The *Speaker* said, that the hon. Member was, unquestionably, out of order; and he was sure that, on reflection, he must be fully aware of it himself.

Mr. *Pakington* regretted that he had been out of order, and he could assure the hon. Member for Birmingham that he did not say one word with the intention of hurting the feelings of the hon. Member, and, in using the word "price," he could assure him that he did not mean to do so in an offensive sense, but undoubtedly he made an unguarded use of the word. He intended to use the word in the same sense as he would apply to the support which he gave to the right hon. Member for Tamworth. He believed that the principles which he entertained would be carried out by supporting the right hon. Baronet; and so the hon. Gentleman, no doubt, believed that the principles which he entertained would be carried out or advanced by Ministers, otherwise he would not give his support to her Majesty's Government. He, in the most distinct terms, disavowed the intention of saying any thing personally offensive, but he could not help feeling, that when an hon. Member avowed republican opinions, and who took his place in that House as a supporter of the Government, it was impossible that the country should not view the fact with the greatest alarm, and consider that it fully justified the vote of want of confidence in the Government. The hon. Member for Lambeth, in the course of his speech last night, said, that what the country required was a steady Government, and he perfectly agreed in this opinion, and would willingly adopt the term; but the only wonder to him was, that the hon. Member should be so unfortunate, and should go so extremely out of his way, as to apply the term steady Government to the present Administration. Good heavens! was the Government steady in its policy in any respect—had it been steady in the administration of the laws—had it been steady in its measures with regard to Jamaica—had it been steady as regarded Canada—had it been steady in its educational scheme, or in any other of its measures? On the contrary, was it not notorious, that it was always shifting and shifting in its policy with the view of securing a narrow majority? He agreed with the hon. Member for Lambeth, that a steady Government was demanded by the country, and he agreed with the hon. Member for Kilmarnock, that the country was tired of the constant changing and shifting from one end of the Treasury bench to the other. The noble Lord at the head of the Government was reported to have said a few nights ago, that this country must exert itself to keep its place amongst the nations of the world. Was not this sufficient to justify them in demanding a stricter and firmer course of policy than had been pursued by the present Administration, and that there could be no security for this until a sound Protestant Administration was established to conduct the affairs of the country? Complicated and extensive as the affairs of this empire were, the constitution must always be in danger as long as the management of its affairs were entrusted to a weak and vacillating Government like the present. He regretted that there was not at the present time a strong Government to manage the loyal and check the disloyal, and which would secure the respect and confidence of the people of this country; and it was on this ground that he gave his ardent support to a vote of want of confidence in her Majesty's present Ministers.

Mr. *Muntz* had not intended to take any part in this debate, nor should he occupy much of the time of the House; but as he had been so directly alluded to by the hon. Member who spoke last, he felt bound in duty to himself to make one or two observations. He had never said, as had been reported of him, and as had been asserted by the hon. Gentleman, that he had said on the hustings at the late Birmingham election, that he was a republican. The observation had been made on a previous occasion, ten years ago, and had nothing to do with the election. And even then he stated—and he was sure hon. Members would perfectly well understand the distinction—that although he was a republican in principle, he was not so in practice. He meant, that if he had a new Government model, and if new institutions were to be established, he should prefer republican ones; but he never meant to say, that with an established Government like the present, with a powerful aristocracy, and with a large church establishment, and where the people had been accustomed to these institutions, and with their feelings mixed up with them, that he should take any steps to advance republican institutions here; on the contrary, he should be the last man to do anything of the kind. He indignantly denied—as indignantly as any man could—that he was to be purchased. He had been elected to that House by his fellow-citizens, and he had not canvassed or asked a single man for his vote; and he had, in fact, almost been pushed into the situation which he held as the representative of the people, against his own wish. Could any Gentleman opposite say so much. He had been taunted, for sitting behind her Majesty's Ministers, of whom he had asked nothing, of whom he intended to ask nothing, and of whom he would have nothing, but when he approved their measures they should have his support, and then only. It appeared that Gentlemen opposite were dissatisfied with the seat he had taken; if he had gone over and sat and voted with them, would there be any fault found with his vote. He knew Sir Francis Burdett in former days, and had acted with him—[*Cries of "Order."*] He was sorry if he was out of order; but he was not aware of the rules of the House. He meant to say, that he knew the hon. Baronet, the Member for Wilts, when he entertained very different opinions from those which he now professed; and if he had adhered to his former opinions he most likely would have sat at the side of the House on which he (Mr. Muntz) sat. Now he should like to know whether it were not the case, when the hon. Member for Wilts changed his principles, that he was received with open arms by the party opposite. If he now said, that her Majesty's Ministers had not the confidence of the country, and declared his intention to vote with Gentlemen opposite, no objection would be made to him; and, he dared say, that they would receive his vote quite as well as they received that of Sir Francis Burdett. As he had risen he would just make one or two observations on the subject-matter of the debate. If he were asked whether her Majesty's Ministers possessed the confidence of the country as much as he wished, or as much as he thought that they ought to have it, he should say they had not: but why had they not? They had not, because they had too nearly followed the principles and practices of Gentlemen opposite. Few persons knew more than he did of the wishes and feelings of the people after having for ten years assisted in agitation, and he said that the Government were not so popular, and they did not enjoy the confidence of the country as much as they ought to do, and as much as he was anxious they should enjoy it, because they too nearly followed the example of former governments. He had no hesitation in saying, that whenever the Government boldly adopted a course, which they believed right and just, and followed out their principles, standing or falling by them, and not truckling to Gentlemen opposite, as they had too often done, they would receive the cordial support and obtain the confidence of the people of England.

Mr. *F. H. F. Berkeley* expressed his astonishment, since the subject of the motion, according to the hon. Gentleman who spoke last in its favour, furnished such a superfluity of weapons wherewith to attack the Ministry, that all the speakers had said exactly the same, until they had become nearly tiresome. Mr. Frost was the cry, and the crime of elevating that person to the magistracy was the overdone theme of Gentlemen opposite. Hon. Gentlemen seemed to assume, also, that the noble Lord, the Member for Stroud, ought to have had an intuitive knowledge that Mr. Frost was addicted to treason; and they charitably supposed, that all the noble Lord's magistrates had similar propensities. He must say, that hon. Gentlemen opposite took very little pains in ascertaining the truth of the charges which they brought. The noble Lord, the Member for Monmouthshire, for instance, had insisted upon it that the noble Lord, the Member for Stroud, had refused the nomination of magistrates of the town-council of Bristol, and had appointed those of his own selection; now he begged leave explicitly to state, that the noble Member for Monmouthshire had made a statement which was founded on fallacy; doubtlessly he had been grossly misinformed. The town-council had named twenty-four magistrates when only eighteen were requisite, and the noble Lord had selected eighteen out of those twenty-four; and those magistrates, although nominated by a town-council, the majority of whom were as Conservative as hon. Gentlemen opposite could desire, seemed to give perfect content to that town-council; indeed, on a late occasion, when Bristol was supposed to be in danger of an insurrection of the Chartists, those magistrates received the thanks of the town-council for their vigilance, prompt attention, and excellent arrangements. He was sure the noble Lord would regret having hastily brought this charge, and he was sorry the noble Lord was not in his place to hear the present refutation of it. Another charge which the Gentlemen opposite had each of them made was, that Chartism was caused by her Majesty's Government. Now, he could not acquit her Majesty's Government on this head: he believed Chartism to be the spawn of the faults and deficiencies of the Reform Bill, but it had become instinct with vitality by Tory excitement—and in the foremost ranks of that excitement stood the hypocritical Tory agitation of the Poor-laws.

Lord *Claud Hamilton* said, that the hon. Member for Dover had stated that he would take the number of troops in Ireland as a barometer, whereby the peace and tranquillity of Ireland might be tested; now he would ask the hon. Member whether he intended to instance the number at this moment in Ireland, or the number which existed there previously to the disturbances in England, which had been caused by the mal-administration of affairs in that country and which had rendered an immediate increase of military force necessary. If the hon. Member meant the former, he could tell him that the number at present in Ireland was insufficient for the usual military duties, and would instance the fact by mentioning, what could not be denied by the opposite side, that at this moment the garrison duty was much too severe for the reduced numbers now in Dublin, and that the soldiers were on guard much oftener than either the practice or rules of the service even sanctioned. If, however, the hon. Member meant the latter number, then he contended that the withdrawal of so many troops from Ireland afforded no proof of the peace of that country, but rather of the increased exigencies of England; and he begged to inform the hon. Member, that whilst we heard much of the decrease of the military, we heard nothing of the increase of the constabulary force, which has of late taken place; and be it remembered, these men are not armed like our police with staves, but are provided with carbines and bayonets, and are trained and drilled like soldiers, so that in fact, an increase of that body was tantamount to an increase of the military force. He had listened with attention to the debate up to the present moment, and he had not heard any one Member get up and justify his confidence in the Government on the ground of the present state of the country. Indeed, he had yet heard nothing from hon. Members opposite which bore fully on the real question before the House, except that magnificent display of oratory which had been made in the admirable speech of the right hon. and learned Gentleman (Sir G. Grey). But, however glittering that speech was, it was not, when well considered, calculated to convince the mind. He owned, that in referring back to the speeches on the other side there was in all of them a great dearth of allusion to some of the most important circumstances connected with the best interests of the country. He had heard scarcely any reference to the condition of our navy, and considering how much had been said and written on this subject, as well by persons on that side of the House as on this, he did think that some statement might have been made to calm public apprehension on that head, and to show that our navy was not in the state that has been represented, but perfectly efficient to meet any emergency that might arise. As to our foreign policy, on which so much depended, hon. Members were for the most part silent on the subject. What was there to boast of with respect to that policy, or from which the supporters of Government could claim for it the confidence of the country? Was it to be found in the course pursued by her Majesty's representative at Constantinople, who first induced the late Sultan to commence a war against Mehemet Ali, although he ought to have known, in common with every one conversant with the state of the two armies, of the certain result; and has thus thrown the whole of the East into confusion and seriously injured our commerce, without there being any prospect of a satisfactory settlement. There had been no explanation as to the course adopted in India, or at least as to the policy which dictated it. He did not see what right the hon. Gentlemen opopposite had to plume themselves on the fact that our troops out in India had behaved with their accustomed gallantry. They must all concur in admiration of the valour displayed by our countrymen, but that did not belong to one Government or to one age; the army had already raised itself to the highest pinnacle of glory, but this glory belonged to the nation at large, and cannot be appropriated by the Government; he for one gloried, as much as any one, in this new brilliant achievement, but after all, anything which could be said in praise of it would still leave the question of our Indian policy untouched. The House had yet to be informed of the probable effect of our late proceedings in India on our position in that country, on our commercial intercourse with it. On the question of China, and the late suspension of our commercial intercourse with it, there had also been little said, certainly nothing on which the Government could found any claim to the confidence of the country, for there was no doubt that if our Government had acted at once with more energy, and sent a respectable force to the spot, our affairs in that country would before now have worn a better aspect. Then as to the blockade of the ports of Rio de la Plata, there was no ground for any claim of confidence on the part of Government. We had no satisfactory accounts from that part of the world. Our commerce there was almost crippled, or, indeed, was wholly so, and our vessels excluded by a blockade made before any declaration of war. Now the noble Lord must know that such a course is contrary to the law of nations, he must know that if one state feels itself aggrieved by another, that it has a right to make reprisals to indemnify itself, without any declaration of war; for this step does not prejudice other nations; but before a blockade can be established, there must be a declaration of war—how stood the fact?—for upwards of two years our ships had been excluded from the coast without war being declared, and thereby a most important branch of our commerce was destroyed, whilst it is notorious that the French are endeavouring, by this arbitrary measure, to induce the government of Buenos Ayres to form an advantageous treaty of commerce with them, and thereby exclude us from the important trade which hitherto has been entirely in our hands—and at this very moment, it has been confessed by the noble Lord at the head of the Government, there are agents from Monte Video at Paris for the purpose of forming some commercial alliance with France; and yet, notwithstanding the importance to our commerce of these transactions, no satisfactory explanation has been given on these points, and they formed so many grounds which would justify the motion of a want of confidence in the Government. It was acknowledged, as, indeed, it could by no man be denied, that Mr. Feargus O'Connor was the high priest of Chartism; and it was to the full as undeniable that the same Mr. O'Connor had been the avowed partisan of, and cooperator with, the hon. Gentlemen opposite, and actually formed one of the *compact*, and he would call it *unholy alliance*, which drove the right hon. Baronet below him, from office in 1835. It was too bad, then, to charge those Members who sat on the Speaker's left hand with promoting or taking advantage of Chartism, when the source of that monstrous evil lay in the conduct of the present Government and their Friends. He conceived, that her Majesty's Government were most culpable in allowing seditious meetings to be held, and in allowing seditious publications to go forth with impunity. It was quite as much the duty of the Government to prevent the people committed to their charge from being led away by evil counsel, and their minds inflamed by seditious speeches and writings as to protect the persons and property of that people from external violence. But, of course, the House had not forgotten the manner in which the responsible advisers of the Crown had thought proper to treat the proceedings which had reduced this once happy land to its present condition—they treated the authors of seditious publications and the utterers of seditious speeches as if no possible harm could arise from the conduct which they pursued. The people were told, that they ought to make moral demonstrations; but in the same breath they were told to come armed—they were recommended to accustom themselves to the use of arms—they were induced to cultivate the art of acting together—they were marshalled, formed, organized; and publications were issued amongst them, giving instructions how best cavalry might be defeated. And it was not till a vast body of men, believing that they were acting in a lawful manner, proceeded to follow the advice which had so long been given them with impunity, that a masked battery is suddenly opened upon them which leaves twenty-five dead on the ground—far be it from him, to charge the hon. Gentlemen opposite with the deaths of those unfortunate individuals, but he must say that it was his opinion, if the Government had used the means in their power to check the growing evil, that melancholy catastrophe might have been averted. Surely, it must be considered the duty of the Government to put an end to such a state of things. Much had been said on the other side as to the want of unity on the part of those who supported the present motion. If that argument was good against the supporters of the motion, it was equally valid against its opponents. What claim had they to be called a united body? Were they agreed among themselves, on the Corn-laws? On vote by ballot on the extension of the suffrage, were these matters of trivial import? Why even the right hon. Member for Devonport said, that perhaps there was a slight inconvenience in admitting into the Cabinet the hon. Member for Edinburgh, on account of his views on the ballot question, but that any trifling inconvenience arising from his having such opinions and the necessity of making it an open question, was much more than overbalanced by the great advantage of the accession of his brilliant talents to the Government. Why, on this principle, the most important question, the repeal of the Union may be made an open question as his talents are no less, and his influence is much greater than that of the hon. Member for Edinburgh, so that if it is at any time convenient to secure his brilliant talents, we may expect to have that an open question. But on other subjects, were they agreed about Canada, did not some of their present supporters uphold the cause of the rebels, were they united then, or did this side of the House come to their assistance? Was there anything like that general concurrence which entitled them to taunt the hon. Mover and his Friends with any lack of unanimity? He confessed that he saw nothing in the unity of the other side which could excite the least feeling akin to confidence in the advisers of the Crown. Let the House only reflect upon the condition in which the country now stood—great commercial cities threatened with fire and anarchy—armed bodies of men assembling in various districts—the metropolis itself in such danger that upon one occasion it had been found necessary to keep the whole garrison under arms throughout the night. Was that a state of things, he would ask, to inspire a nation with confidence in its rulers? Did not these and the other grievances to which he had alluded, and to which Government had as yet given no encouraging explanation, fully justify him in saying, that such a Government could not have and ought not to possess the confidence of the people or their representatives? It was, therefore, as he conceived, his bounden duty to give the motion before the House his most cordial support.

Viscount *Howick* spoke nearly as follows: The hon. Member for Worcestershire, who spoke just now, said, that his difficulty in addressing the House arose, not with a lack of matter wherewith to support the motion, but, on the contrary, from the superfluity of matter of accusation which he had to bring against the Government. Yet, though I have listened most attentively to the hon. Member, and to those other hon. Members who preceded him in the debate, on his side of the House, I must say it appears to me, that there has been the most total absence of anything like reasons, of that gravity and importance, which, I imagine, could alone justify a proceeding of so remarkable, of so unusual a character as that which is now taking place. A motion for a vote of want of confidence in a ministry, is, in general, the last resource, to be adopted only under circumstances of great and unusual difficulty and necessity. And undoubtedly it appears to me, that no reasons whatever of that kind have been now assigned, and that all the very trifling arguments which have been brought forward in defence of the motion, my right hon. Friend, (the Judge Advocate), in that speech of his last night, which has been so much and so justly commended on both sides of the House, has most completely answered. In my opinion, that answer is so complete, that I should not now have ventured to offer myself to the attention of the House, or have taken any part whatever in the present debate, were it not that I feel it may be thought incumbent on me to avail myself of this opportunity to explain the circumstances under which it has become necessary for me to join in opposing the motion which has been made, as an independent Member of Parliament; and that I am no longer to have that honour in the character of a Member of that Government with which I have hitherto acted. I feel, that in endeavouring to explain the circumstances which have compelled me to relinquish the office I had the honour to hold in her Majesty's service, I undertake a task of no ordinary difficulty; for, on the one hand, I have a strong opinion, that no public man is justified on light grounds, and, least of all, on any personal considerations, in withdrawing from a Government of which he is a part; and, on the other hand, though I am most anxious—[*Question.*] Sir, if the hon. Member for Lewes, who cries "Question!" had long sat in this House, he would have known that it is usual, in cases in which persons have quitted office, that they are permitted, without interruption, to state the circumstances which have led them to adopt that very important step. Sir, I was proceeding to say, that, on the one hand, I am necessarily anxious to show, that I have not taken this step for light or inadequate reasons; but, on the other hand, I am no less anxious to avoid saying any one word which can by possibility give offence, or inflict the most remote injury on a Government composed of Gentlemen with whom I have for four years and a half acted with so much cordiality as colleagues, and with whom I trust, I shall still continue to be connected by ties of private friendship, and of general concurrence in their public measures. I trust, therefore, the House will receive with indulgence the statement which I shall endeavour to make. I need not recal to the recollection of the House the circumstances under which the Government, of which at that time I was a Member, was induced to tender their resignations to her Majesty in May last. It was stated at the time, and has since been alluded to in this debate, that we were forced to take that step from our consciousness that we did not possess that amount of confidence and support on the part of this House and of the country, which would enable us to conduct its affairs with advantage. For my own part, I must say, that I had become deeply sensible of the injury which the country, received from that state of things. I saw that it had tempted hon. Gentlemen opposite to make questions involving the very highest interests of the empire the battle field of party contention, and I saw that in these party contentions those interests received most serious damage. I felt this, Sir, so strongly, that when, most unexpectedly, we were called upon to resume the situations which we had held, it was not without the greatest difficulty that I overcame the reluctance I entertained to taking that step; nor could I have been induced to do so by any consideration of inferior weight to that of the duty which I thought we owed to her Majesty, to support her from whom, on our parts, we had received such generous support and such indulgent kindness, against a pretension which, in my mind, was unjust and ungenerous. But though we were induced by that consideration, and I still think we were properly induced, notwithstanding the difficulties by which we were surrounded, once more to undertake the task of endeavouring to conduct the Government of this great empire, I think it was felt by every Member of the administration, and I believe it was felt by this House, and the public generally, that it was essential, that as soon as the affairs of the Session were brought to a close, an effort should be made to give increased strength, increased power, and increased stability to the Government. Such was the opinion, and the conviction of the noble Lords who represented the Government in this and the other House of Parliament. My own idea of the manner in which this strength ought to be obtained —my own notion of the object which should be aimed at in any changes which were to take place, was that of recovering, as far as possible, the confidence of a very numerous class of persons in this country, whom I believed to be sincerely anxious for the adoption of a generally liberal course of policy, but who are opposed to further changes in the constitution of Parliament. It was impossible for me to shut my eyes to the fact, that, from the year 1834 up to the time at which we then were, the autumn of last year, there had been a considerable and increasing defection from the ranks of the supporters of Government of persons of this description of opinions. I had observed, year by year—I may almost say, month by month, now one, now two of the most respectable and earnest supporters of the former Whig Government falling off from its ranks, and joining the ranks of our opponents. It was my opinion, that in the new arrangements which were rendered necessary, an effort should be made to recover the confidence of these persons, and I therefore conceived, that the changes, whatever they were, which should be made, should be so contrived as to hold out to this House and to the country, an assurance that there should be the utmost possible vigour and energy in carrying on every practical reform, legislative and executive; but that with these reforms there should be a resolute maintenance of the present constitution of the House. Such was my opinion of the principles on which the recomposition of the Government ought to take place. I am not aware what may have been the views on this subject of the noble Lords at the head of the Government in the two Houses of Parliament. Of course, these were matters principally to be settled and regulated by them, and what their views may have been I am not in a condition to state. All I know is this, that the arrangement on which they determined, when they communicated it to me, did not seem to me to answer the description which I have just given. It appeared to me, on the contrary, calculated to have almost the contrary effect. The intended changes were not made known to me till within a few days of the prorogation of Parliament, I think it was on the day week preceding the prorogation. On that day my noble Friend, at the head of the Government desired to see me, and in a conversation stated to me what were the changes which he had in contemplation. I at once stated to him the objections which occurred to my mind to the plan which he proposed, and when I left him, being persuaded that this was a question of great importance, and that it was necessary he should know, not merely what had occurred to me at the moment, but likewise my deliberate opinion on the subject, after the fullest consideration in my power of what I had heard, I wrote to Lord Melbourne a letter, embodying the substance of the objections which I had before stated to him in conversation. I do not intend to state in detail the objections which I made to particular appointments and to particular changes. I think the House will say, that I may fairly claim indulgence in this respect; it is a topic which might be highly invidious, and one which it would be impossible for me to touch without great pain to myself, and without the danger of inflicting great pain on others. It is sufficient to state, that my determination was not come to with reference to any individual change which was about to take place; no one of the intended changes if taken singly, would, probably, have presented an insurmountable obstacle to my continuing in office; but it was a consideration of the effect of the proposed arrangement taken as a whole upon the general character of the Government, it was the alteration which I felt would be made in that character, by the result of all the changes taken together, which determined me to take the course which I ultimately adopted. After I wrote the letter to my noble Friend, to whom I have just alluded, some further correspondence passed between us, to which I am anxious not more particularly to refer. It is sufficient to state that not one of these objections which I made to any part of the new scheme which was proposed was admitted to be valid; the whole scheme, without any modification whatever of the arrangements which I had considered objectionable, was determined upon, and under these circumstances, I felt it to be my duty—a most painful duty, I can assure the House—humbly to tender my resignation to her Majesty, which resignation, as the House is aware, was accepted. I have thus stated very briefly, and, I am aware, necessarily imperfectly, but still in a manner which I hope has been intelligible to the House, the grounds which determined my conduct in this particular: but I feel that this statement would be still more imperfect than it ought to be, and that I should not altogether do what I consider my duty both to myself and to the country, under the circumstances, in which I am placed, if I was not further to trouble the House with some remarks on the state of affairs which rendered it, in my mind, more necessary than it might otherwise have been, to adopt the course which I took. Even at that time, it was impossible to regard the state of the country otherwise than with deep anxiety, if not apprehension. Certainly, I did not anticipate that the discontent, which the House is aware then existed very generally amongst a large proportion of the population, was so speedily to break out into open revolt and insurrection. I had no idea at that time that the danger was so imminent; but, at the same time, it did appear to me, that the kind of discontent which was then known to prevail, could not long continue without leading to very serious and alarming consequences, and I looked upon this circumstance as rendering it especially necessary that the constitution of the Government should not be such as to encourage any expectation among the people of further changes in the constitution. Sir, I am not one of those who have ever argued, that the Reform Act is, as it has been called, a final measure. On the contrary, I have always maintained and always shall maintain, that no Parliament has the right or the power to pass any measure which is final in the sense of being conclusive, and binding on future Parliaments. The same right that the Parliament of 1831 had to remodel the then existing representation of the country, that same right we possess, and we cannot possibly divest ourselves of it. I believe, also, that no Member of Parliament has the right, by engagements contracted within this House, or out of it, to divest himself of the power to consider at some future time the necessity of any measure which may be proposed to him. I consider, therefore, that the doctrine of the finality of the Reform Bill is contrary to every principle of the constitution, and to the duties of all public men who take on themselves the task of representing their fellow-subjects in Parliament. Neither have I been weak enough to suppose, that the Reform Act, if not a final, was a perfect measure. Far from it. I am well aware that the Bill originally produced in this House on the 1st of March, 1831, by my noble Friend the Secretary of State, did not even profess to be a perfect measure; it did not attempt to remove all the anomalies which existed in Parliament; but it proceeded on the much wiser principle of carrying the change only to the limit which the necessity of the case prescribed. And, sir, I am well aware that the measure which actually passed was changed in very essential particulars from that which was actually proposed by the noble Lord; and, in my opinion, as I have no hesitation in saying, every one, or almost every one, of those changes was very greatly for the worse. I sincerely and deeply lament that the Reform Bill, as it was first submitted to the House, did not become the law of the land. But that measure having once passed, though it is confessedly imperfect, and though Parliament has undoubtedly the right, if it sees fit, to attempt to improve it, yet, in my opinion, under the present circumstances of the country, the attempt to do so would be in the highest degree inexpedient. I have always been taught to believe that changes in the constitution of the country are no light matter. Any alteration in the distribution of political power, which affects the interests and position of almost all classes of society, is a thing not to be undertaken except under the pressure of great and urgent necessity. I remember it was an argument constantly used by Mr. Canning and other Gentlemen who opposed reform in Parliament, that the then existing representation of the people worked well. Could they have proved that the House as then constructed did work well for the interests of the country, I should have admitted the force of their arguments against this reform of Parliament; but being of a totally different opinion, because, looking at the state of this country—the immense load of debt—the spread of pauperism—the many evils which at that time afflicted the country, I believed that their growth could be distinctly traced to the misconduct of the House of Commons, misconduct directly attributable to the influence which a comparatively small number of persons possessed in the return of the Members of that House. I believed, that while this influence remained in the hands of individuals, it was impossible that this influence should not be used to determine the conduct both of the Parliament and of the Government, very frequently much against the interest of the nation at large; and I believed that while this state of things continued, a system of government essentially corrupt must prevail. It was this conviction that made me sincere and ardent though a very humble supporter of the great measure of reform; but I cannot admit that the state of things which justified that measure is now in existence. If you look at the conduct of the House of Commons since the passing of the Reform Act, you must admit that no such sinister interests have influenced its proceedings. I think that in the work of legislation this House has accomplished much. I think that the great measures which were triumphantly referred to by my right hon. Friend last night, are sufficient to prove at once the necessity and the advantage of the great measure of reform. I am aware that many Gentlemen, though they admit that much has been done, contend that more still is required; that the Legislature ought to have proceeded more rapidly, and that many practical improvements in our laws are still required. I do not contest that fact, but what I deny is that the fault, if fault it be, arises from the composition of the House of Commons. Let me challenge those hon. Gentlemen who hold this opinion to point out to me what good and useful measures there are which have failed from not receiving in this House that support from the representatives of the people which the people themselves were disposed to give them. I am convinced that both as to the conduct of Government, and as to the march of legislation, the House has, I will not say uniformly and invariably, but, on the whole and in general, acted according to public opinion. I do say that I believe that this House, as now constituted, faithfully reflects the sense of the majority of the educated and enlightened classes of the community. If there is any difference of opinion between the House and the country, I am prepared to maintain this position, that the House, in liberality of opinion and in enlightenment, is in advance of the constituents whom it represents; and I think this must naturally be expected: I think it the part, and the duty, of the House of Commons not only to represent, but to lead and instruct public opinion; and I am persuaded that at present such is the case, and that those Gentlemen who sit on this side of the House—such Gentlemen, for instance, as the hon. Member for Wigan who spoke last night, and expressed an opinion with which I have no fault to find, of the great importance of a more liberal commercial policy and the more general education of the people—I say, that Gentlemen who have objects of this kind in view, would find themselves, in the present state of education in the country, greatly deceived if they imagined that a House of Commons more democratically returned would be more favourable to opinions of this description. During the period of the Reform discussion, the House was often cautioned against what was termed mistaking the means for the end; we were told that, after all, the great object was not to get a perfect House of Commons, but to get good laws; and some of those very persons who profess extreme opinions, and are now urging great further changes in the representation of the people at that time, thinking that Government had, perhaps, acquired too much popularity by the measure they had proposed, were constantly holding out this caution to those who listened to their suggestions—"Wait and see what use the Government will make of a reformed House of Commons when they get it." Sir, I entirely concur in the opinion which these persons then expressed, I think it would be a great error if we were to postpone useful legislation for the purpose of constantly endeavouring to get a better legislature. During the progress of constitutional reforms, every man knows that all the work of legislation is at a stand; nay, more, whereas good laws and good government themselves are only desirable because they promote the welfare and happiness of the great body of the people; these constitutional changes, while they are in progress, necessarily interfere with the welfare and happiness of the great body of the people; since both the industrious classes, and capitalists, the employers and the employed—all in their various occupations, feel the effects of the disorder by which the body politic is unavoidably agitated during the struggle by which alone constitutional changes can be accomplished. For this reason, it has always appeared to me highly inexpedient, so soon after we have made a great change in the constitution of Parliament, again to commence that work. But, Sir, if I entertained this opinion even before the recent disturbances of the country by what is called the Chartist agitation, I have entertained this opinion far more decidedly since those disturbances broke out. No person can have observed the state of mind and feeling among a large portion of the working classes without being greatly alarmed. The discontent with existing institutions, the concert and combination between the working classes in distant and remote parts of the country, are symptoms calculated to excite the most lively apprehension in the mind of any observant person. I know it has been said, and said by authority—the last I should have expected to have seen brought forward in support of such an opinion—that this wide-spread discontent proved the necessity of some measure of concession in order to remove it. I have heard similar opinions expressed this evening. The hon. Member for Glasgow says, that we shall never have quiet till we admit a larger proportion of the people within the pale of the constitution. I confess I cannot concur in that opinion. I think it is impossible that any man can have paid attention to the proceedings at the various Chartist meetings, without having perceived that the principal speakers on those occasions, in impressing on their hearers the necessity of those violent changes in the constitution which they usually recommend, have not relied on any argument to show what measures for the good of the country this House has had the power to adopt and has neglected, or to prove in what respect the House of Commons, as now constituted, has betrayed its duty to the nation it represents. Such have not been the objects of their arguments. They have pursued a far more summary course, and have inferred at once from the existence of distress and suffering in some parts of the country, the bad working of the existing constitution. They have assumed that, because poverty and distress do exist in some places, there must be something wrong in the composition of the Legislature, and that if Parliament were but what it ought to be, that if the Reform Act had really succeeded, distress and poverty would have been dispelled like the morning mist, and ease and plenty have been diffused throughout the land. They have endeavoured to impress on their deluded hearers the conviction, that the result of obtaining an increase of political power would be an improvement in their condition: higher wages for less work have been what every labouring man has been taught to expect as the immediate result of a change in the constitution of this House. I know that more than one Gentleman in the course of this debate has stated, as one symptom of the present discontent, that it has prevailed amongst the highest-paid class of labourers. I am not prepared to dispute that fact, but it does not seem to me inconsistent with what I have just stated. I think the history of the many strikes among workmen which have taken place in this country—the history of the disputes which have broken out from time to time between employer and employed, prove this fact, that it is not always real distress or real poverty that has the greatest tendency to produce a desire for higher wages, or discontent with existing wages. I think the Gentlemen who represent manufacturing towns will confirm the truth of what I now allege. But I would appeal to any Gentleman who has taken the trouble to consider attentively the speeches made at the various Chartist meetings, whether the bait held out by the speakers on those occasions has not been what I have already described —whether, as one of their own speakers called it, it has not been treated as a "knife and fork question;" that is to say, whether a prospect of great improvement in their physical condition has not been that which has inflamed the desire for political change, and excited the passions of a large portion of the population. But if this be true, we must all be aware how vain, how foolish, and how mischievous are the notions so inculcated upon the people. We know, that no possible change in the law can produce an immediate improvement in the condition of any society. Still less can such improvement be brought about by changes in the constitution of the legislature, which is only the instrument by which laws are to be made. Improvements in the condition of the people can only be the slow and gradual work of themselves, encouraged and assisted by good laws and good government. For good laws can work no miracle; they cannot add one fraction to the amount of national wealth. All that the best laws and the best government can accomplish is by assuring to exertion its due reward, by providing for the security of person and property, by promoting education, and by diffusing religious instruction to encourage the formation of those habits of industry and virtue which alone can be the sources of the welfare and the property either of individuals or of communities. But, as this is the case, is it not obvious that it is impossible to deal with that description of discontent which now prevails in the manner which hon. Gentleman would recommend to us? What they call taking larger part of the people into the constitution, could have no effect of the kind which they expect, in improving their physical condition. They now tell us that there is great disappointment as to the result of the Reform Act—that is, they are disappointed because the Reform Act did not work a species of miracle. But the same disappointment must necessarily follow whatever may be the nature of any new Reform Act we might pass. If we do not go to the full extent they ask us, if we stop at anything short of the entire subversion of the existing constitution, the failure of one measure to fulfil their visionary expectations, will be ascribed to its incompleteness, and their discontent will only be increased. But even if we grant all that is asked, if we consent to the overthrow of our balanced constitution, and the establishment of a pure democracy, when political changes can be carried no farther, would there not remain other objects for those whose game it is to play upon the passions of the people, and to mislead them to their ruin? Would there not still remain other measures to be urged by those to whom I allude, and who have already endeavoured to inculcate the belief that every capitalist and man of property ought to be regarded as the natural enemy and oppressor of the workman? The struggle to which we should ultimately come would be against such insane measures as this belief would naturally dictate, measures which, if carried, would be ruinous to all, but perhaps more hopelessly ruinous to the working class than to any other in the community. If this be a true description of the actual position of the country — if there does exist this wide-spreading desire for changes which are impracticable without extreme danger, and leading to extreme confusion, then common prudence should teach us that we ought most carefully to avoid any measures which can encourage among the labouring population expectations of further changes in the institutions, or which can lead them to distrust the permanency of our existing institutions. Here I cannot help observing to those hon. Gentlemen who press various measures which they deem further reforms in the constitution, that, however undesignedly, they are necessarily playing the game of other parties, who ask for changes with a different design. I say they necessarily play this game, because it is impossible to press for the objects which they have in view by any other means, except by trying to produce upon the public mind the impression that Parliament as now constituted, does not do its duty. Now, the first step towards carrying into effect the designs of the agitators to whom I have alluded is, to pull down that which now exists, to shake the credit of the present constitution of the country in the minds of men, and then prepare the way for further changes. At the time of the Reform Bill, we necessarily were to a certain extent co-operating with persons whose ultimate objects were different from ours; and so at this time those who now would disclaim and disavow, no doubt most sincerely, the objects of the Chartists, are yet, however unwillingly and unintentionally, co-operating with them. But this is not all, or the most serious consideration. Of all evils which can afflict a country, perhaps the most serious is frequent change in the form of Government and in the distribution of political power—I think it is the recurrence of such changes, far more than the extent of the changes themselves, which is attended with evil. Every man, who has at all considered this subject, must be well aware that time and prescription give the greatest strength and power to all government and all authority. Government of all kind rests ultimately on opinion, and men are so constituted, that time and prescription have the strongest hold upon that opinion. Frequent changes, therefore, in my mind, are of all things the most to be deprecated. I would ask those hon. Gentlemen, who now call on us to make great and serious changes in the Reform Act, whether any one of those changes that have been proposed, is of such a character that we might hope, when it was accomplished, to take our stand upon it for some years, and not be immediately called upon to recommence the work we had just discontinued. For instance, if we adopt the motion brought forward last session by an hon. Baronet, for giving 10*l.* occupiers in counties, the same right of voting which 10*l.* householders possess in towns—if, I say, we adopted that change, would it afford the slightest prospect or opportunity of pausing; would it not, on the contrary, be used as an argument and a reason for still further changes? If other Gentlemen proposed to go to the extent of household suffrage, might not the same argument be used, and would there not still remain the anomaly in the constitution, of small boroughs being represented by as many Members as Birmingham or Manchester? Would not these anomalies still continue, and is there any one of those changes which unites in its favour such a number of supporters, such large classes of persons prepared to adopt it as that in which they would ultimately be satisfied, that, having agreed to that, we might expect it would enable us to take our stand upon it? I am convinced that hon. Members themselves must be persuaded, that if we enter a course of changes of this description, there is no point at which we can possibly stop short of an entire and complete re-construction of the whole representative system on the basis of numbers, and numbers alone. Gentlemen, I know may tell me, and I think it was last year I first heard the phrase, that they are anxious for progressive reform. Why, Sir, for progressive reform, if properly explained, I am as anxious as any man. If progressive reform means thorough and searching reform of a practical kind—improvements in all our laws—measures for the adoption of a more liberal commercial policy—for rendering the administration of justice more prompt, certain, and cheap, to all classes of the inhabitants of this country—if it means measures for the general diffusion of education—of religious instruction throughout the country—then, Sir, no man is more sincerely desirous to promote progressive reform than myself. Perhaps I carry my views on these points, and am prepared to go, to an extent beyond many Gentlemen with whom I have acted. But, if by progressive reform, you mean constant changes in the constitution of the Legislature—constant alterations in the distribution of political power — if you mean that the country is to be kept without ceasing in a state of agitation—that men's minds are never to be allowed to be directed to practical reforms, but, on the contrary, are to be absorbed by propositions having for their object the transfer of political power from one class to another—if this be the definition of progressive reform, I can conceive no greater curse to a country. I believe that among the qualities which render some forms of government better calculated than others to promote the happiness and welfare of the community, which, after all, is the great and final object which we never ought to lose from our sight, there are few of more importance than the possession of a certain degree of stability and permanence in the form of the Government. I believe that to the fact of the stability of the form of our Constitution, and to the absence of exciting contests relative to the form of government, it is owing that, during 150 years, in spite of many and great imperfections in the constitution, the country has been enabled to make a progress in civilization and prosperity almost unexampled in the history of the world. I say, therefore, that the true policy of those who wish well to the working classes of this country, is at this moment, by every means in their power, to discourage the expectation of further changes in the constitution, and to lead their minds, instead, to those practical reforms to which I have adverted. I do not mean to say that hereafter, if these reforms are carried on, and with a people become more educated and enlightened, it may not be expedient, in consequence of such changes, that corresponding changes should take place in the political constitution of the country. I am not one of those who are so rash as to say that such a time may not come. But I content myself with judging of the time which is now; and, in the present state of public opinion, I am persuaded it would be most injurious to attempt an alteration in the constitution of the country. When I say this, let me not be understood to go farther than my noble Friend the Secretary of State went in the speech which he made in the House last year, or to exclude improvements in the machinery of the Reform Act, which I think it requires—for all these improvements no one is more anxious to promote than myself. Above all, some improvements in the registration, which, as it at present exists, does work most oppressively, I should be most anxious to accomplish. But I may be asked, if I admit the necessity of improvements of this description, why do I not assent to other changes and go back to the original Reform Bill, modifying the present representative system according to what was first proposed. I do not assent to such changes, simply because I regard the Reform Bill as the settlement of a disputed question, and because if I once begin to depart from what was then settled, I cannot perceive where it is possible to stop. I must again repeat, that I cannot consent to attempt the task of constitutional reform until I see a great necessity; and until, likewise, I see some prospect of accomplishing some definite change, such as that on that change we may rest. I have thought it necessary to state thus fully my views on this important subject, because I cannot deny that they materially affected my views of the arrangements which were proposed in the Government during last autumn. At the same time, let me not be mistaken as intending to imply or insinuate the slightest belief, or the slightest idea, that my noble Friend the Secretary of State in this House, or my noble Friend who leads the Government in another House, have in any respect departed from the opinions which they entertained while I had the honour to belong to the Government, or from the policy of that Government, which was that of maintaining uninjured, the settlement accomplished by the Reform Act. I believe that such is still the intention and the view of my noble Friend, and of the Government which he so ably leads in this House. But, Sir, I did not relinquish the situation which I had the honour of holding in that Administration, because I believed that there was to be any change in its policy. Far otherwise. My reason was, as I have already explained, that I differed from my noble Friend, not as to what ought to be the policy of the Government, but as to the means by which that policy could be carried into effect. I trust, Sir, that I may prove to have been mistaken. I think that no public man, having been overruled in opinion on a question of such importance, is under any obligation in honour or duty to join in carrying on a Government, which he believes in his conscience there is not the means of carrying on with credit to those who compose it. If I anticipate the withdrawal of the support of the House of Commons from the Government in consequence of measures which are adopted, though I may approve of the general policy of that Government, I think I am perfectly justified in refusing to be a party to such arrangements. But I do not know that there is the slightest inconsistency in entertaining that opinion, and also entertaining the most sincere and honest desire which I now profess, that I may turn out to have been mistaken. My noble Friend may meet greater support than I anticipate, and any support that I can give never shall be withheld. I shall still be proud as an independent Member of this House to support my noble Friend, whom for four years and a half I followed as a Colleague, in the same course of policy which he then pursued. I must also say, that I cordially join in resisting the motion now before us, not only from the confidence which I place in my noble Friend and his Colleagues, but also from my apprehension as to what would be the result if the House came to a vote hostile to the existing Administration. Before I join in a measure which would lead to the overthrow of a Government, I must consider what would be the character of the Government by which it would be succeeded. I have been too often in direct opposition to hon. Gentlemen opposite to make it necessary for me to say, that I should greatly regret to see their accession to power. Honestly differing from them on many most important questions affecting the highest and deepest interests of the country, I should have considered it a great misfortune for the country if they had succeeded to the benches which my noble and right hon. Friends now occupy. That opinion has been greatly strengthened by what occured during the last recess. Even before that recess, and during the last two or three years, I think the confidence of impartial and cool-minded men in the party which sits opposite, must have been greatly shaken by the course which they have been pursuing. However reluctantly, I must express the opinion that, through their party interests, the interests of the empire, as connected with the colonies, have been sacrificed in a manner which it would be very difficult to defend. When I look back, above all, to the proceedings of the House of Lords at the close of the Session of 1837, when I remember the disastrous effects which those proceedings might have produced, I might almost say did produce in Canada, I think that they form good grounds for this opinion. Then again, last year, with respect to Jamaica, I know the right hon. Gentleman, the Member for Tamworth, takes great credit to himself for the beneficial results of the policy then adopted—that he has appealed with an air of triumph to the improved prospects in the island, and stated that those are the consequences of the course which we have pursued. Sir, I can only say, that in spite of the present improved prospects of Jamaica—as far as can be gathered from public reports—my firm and conscientious opinion is, that this House, by rejecting the measure which was originally proposed during the last Session by her Majesty's Government, has inflicted the death-wound on the real improvement and civilization of Jamaica. I shall be glad if this opinion should turn out to be erroneous, but I see no reason at present for believing that it will; I believe that a short time was afforded us of making permanent improvements in the constitution of the colony, before the power of representative government fell, as it must fall, into the hands of the uneducated majority of the negro race; and I believe that we lost the opportunity, never to be recalled, of making extensive and judicious improvements in the institutions and permanent laws of that country. It is impossible for me to have observed otherwise than with the highest disapprobation—I had almost used a stronger word—the conduct of many Gentlemen whom I see opposite, with reference to the Poor-law. The leader of the party, no doubt, has abstained from taking any part in that agitation. I wish I could say, that he had done more than merely abstained in the early stages of the agitation. We know that, though the leaders whom we see opposite have, in general, not been parties to that agitation, still all the newspapers which advocate the interests of the party–[*Laughter.*] I have yet to learn that newspapers do not in this country exercise a great and formidable power, and that they are not to a very considerable extent influenced, by what they believe to be the views and interests of particular parties. But, Sir, I say that not only the newspapers, but a very large number of Gentlemen who sit on the opposite side of the House, have used the Poor-law cry as a means of carrying their elections. Even so lately as last autumn, a right hon. and gallant Officer, who formerly held the high situation of Secretary for the Colonies, and in the last Administration of the right hon. Gentleman, the Member for Tamworth, held the office of Master-general of the Ordnance—even that right hon. and gallant Officer no longer ago than last summer, referred to the question of the Poor-law at Manchester. [*Cheers.*] Then you adopt his sentiments. As my right hon. Friend stated last night, Mr. Oastler is under your protection. I say, I for one could not witness, without deep regret, a Gentleman of his station and high character condescending to employ such means. I say, I observed with the deepest regret that, at the election, Sir George Murray condescended to make use of expressions with reference to the poor-law, in my opinion, only worthy of the columns of a party newspaper. I contend that hon. Gentlemen who throw upon my noble Friends the blame and responsibility of the present dangers of the country, and of the discontent which prevails among the labouring classes, are acting most unjustly. On the contrary, that blame rests more with themselves. Because I appeal to hon. Gentlemen, who have attended carefully to the transactions of the last few years, whether I am not correct in stating that it was the anti-poor-law agitation which began and produced the Chartist agitation? The anti-poor-law agitation was encouraged by a very large proportion indeed of the hon. Gentlemen opposite, even at the time when Mr. Oastler and Mr. Stephens were openly recommending resistance to the law by force, and inculcating opinions the most utterly subversive of all law and of all society; when they were endeavouring to persuade the people that it was the fault of Parliament and the poor-law that poverty and distress existed; and trying to make the working classes believe, that it was the poor-law that kept down their wages, and that it was in the power of Parliament to increase their prosperity. It was these opinions, inculcated at anti-poor-law meetings at that time, directly fostered and encouraged as they were by hon. Gentlemen opposite, that immediately prepared the way for the Chartist agitation. Could there be a more natural inference for the persons who attended these meetings, or any conclusion more logically correct, than that if Parliament had the power of improving their condition—if a House of Commons, mainly representing property and not numbers, had the power of increasing the prosperity of the labouring classes, and refused to exercise that power—such a Parliament ought to be discarded, and the House of Commons in future ought to represent numbers, and numbers alone? This is the origin and history of the Chartist agitation. Those Gentlemen who encouraged the cry against the poor-law—those, I believe, who accused the House of Commons of wilfully oppressing the working classes, or, in the language often used, of "grinding the faces of the poor"—those who used this language created the spirit which was the origin of Chartism. During the last recess, a spirit, if possible, still worse, and still more dangerous, of exciting the people, has been employed. I allude to the attempt which has been made to get up the cry of "no Popery," and of the "Church in danger." I rejoice, indeed, that in the course of the present debate every one of the hon. Gentlemen who have spoken, even including the hon. Member for Kilmarnock, have appeared to be ashamed of that cry, and have been anxious to disown it. I rejoice that I am thus spared the necessity of making many remarks upon it. I know well that the right hon. Baronet opposite must have regarded with the same disgust, and the same abhorrence as myself, the efforts made to inflame religious animosities; but I cannot help remarking that, if he were to return to power, he would of necessity be compelled to trust, in a great measure, to those persons in Ireland who for the last four or five years have not ceased to pour forth every description of contumely on the religion of three-fourths of the population. It may be very true, that the right hon. Baronet disapproves of the language which those persons have used. I am convinced that that is the case; and yet I am sure that those who fervently follow out and adopt those opinions, although they avail themselves of the talents of the right hon. Baronet, and make use of his genius, yet entertain no real respect nor veneration for him. The wounds of 1829 are not yet healed, they are but thinly skinned over, and it is obvious to all observers how hollow is that apparent union, amongst persons entertaining opinions so discordant. But be that as it may—from the want of other supporters in the sister kingdom, he would find himself, upon attaining office, thrown into the hands of the parties and the individuals who have followed that line of conduct to which I have adverted. This, then, could not take place without very serious danger. I do not believe that there would be anything in a change of Government to still the tempest of those divisions in the kingdom, or to put down at once that discontent and disaffection which all must acknowledge to exist, and that all must lament. But if it would not make things more safe, I cannot but look with apprehension on the condition of the empire, if it should add to the danger of England, and the danger of Scotland, danger also in Ireland. I have, perhaps, gone further than I intended when I originally rose, but I was anxious to take this opportunity of making an unreserved and explicit declaration of my opinion on the present aspect of public affairs, and before I conclude, I have only to express my heartfelt hope and trust, that, in the observations I have made, I may have said nothing that can wound or injure the Friends with whom I have hitherto acted, or in the slightest degree tend to any separation or alienation between us. If that should be the consequence of what I have now said, I confess I shall regret it more than any obloquy to which I should be exposed by leaving unexplained my public conduct. I hope I have avoided that danger; but I felt, that in the circumstances in which I was placed, I could scarcely avoid stating the reasons that compelled me, very unwillingly, to retire from her Majesty's service.

Sir *J. Graham* felt greatly obliged to the Speaker for calling upon him, and for allowing him to follow the noble Lord who had just sat down; and he must say, at the commencement of that which he was about to address to the House, that he had heard parts of the speech of the noble Lord with sincere satisfaction, because he had served under the father of the noble Lord when the Reform Bill was carried, and because it was imagined that the noble Lord represented the opinions of that noble individual, Earl Grey. It rejoiced him, then, to find, that though the noble Lord rejected the term of the finality of the Reform Bill, still the party of the noble Lord and his more immediate connections adhered to that bill, as a satisfactory settlement of a vital question. There were parts of the speech of the noble Lord in which he entirely concurred; but still, he must say, that having listened to the noble Lord's premises, he heard with astonishment the conclusion at which he had arrived. He admitted most distinctly with the noble Lord, that the motion of the hon. Baronet, the Member for Devonshire, was a motion of very great importance, to be supported by the strongest reasons, and requiring the concurrence of unusual circumstances. That he admitted most distinctly; and if he were called upon for a single reason for supporting the motion of the hon. Baronet, he would assign the secession of the noble Lord from the benches opposite on the grounds stated by himself. Taken by itself, it constituted an ample and a sufficient reason for the motion made, and the attack that proceeded from that side of the House. Let him call to the recollection of the House that which the noble Lord had stated. He should refer first to the transaction that had taken place last May, and he would say, that the very expressions used by the noble Lord, at the head of the Government in the other House, and the strong expressions of the noble Lord opposite, in announcing to the two Houses of Parliament and the public, that the loss of confidence by them in a great crisis of public affairs had induced them to quit the conduct of those affairs, fully justified and supported the scope and even the terms of the present motion. Strong as their expressions appeared to him at the time, yet they were weak as compared with the declarations of the noble Lord as to the inability of the Government, of which the noble Lord was then a Member, to conduct the affairs of a great nation in a great crisis. The noble Lord considered, that the Government was then in danger, because it had not the confidence of the other House, and it had, from the secession of powerful friends, at last dwindled down to a majority in this House of five. The noble Lord then said, that he had left the Government because he thought that they had not the means of carrying on the business of the country with credit to those who composed it. He wanted no further argument; that was the case of the Opposition; that was the whole of their case; it was all that they contended for. It was admitted, in the plainest and the most distinct terms, by the noble Lord, who was the best witness, that on the 6th of May he left the Ministry, because he felt, then, that it could not carry on the Government. ["No, no, he retired in August."] He should advert to that point presently; but the noble Lord had said, that "he left the Ministry, because he thought that they had not the means of carrying on the Government with credit to themselves." That, then, was the whole of the case. The noble Lord felt, that the Government required assistance; that it was in a state of desperate weakness, and it required some fresh life and power to strengthen it. The noble Lord said, that he thought that the Government should be strengthened without seeking aid from those who required farther changes in the constitution of the country. The noble Lord's opinion was, that to strengthen the Government, assistance should be obtained from those who were not disposed to favour the democratic movement, or to introduce further changes. [Lord *Howick:* No, no.] He understood the noble Lord to say, that to strengthen the Government, it was necessary to seek aid from those who favoured progressive improvement, but who were opposed to any great change in the constitution of the country. He should be exceedingly sorry to misrepresent any observation made by the noble Lord, but then, as it appeared to him, the noble Lord entertained the opinion that the Government was weak before any change took place, and it was also the opinion of the noble Lord that it was rendered still weaker by the changes that had taken place. His astonishment was great, that when the hon. Baronet, the Member for South Devonshire proposed a motion that the Government, as now constituted, was not worthy of the confidence of this House, that the noble Lord avowing such opinions and acting on them, should hesitate one instant in supporting that motion. The noble Lord had said, that he felt that the responsibility of a Minister was great in quitting his colleagues in a crisis of difficulty and danger. The noble Lord said, that when he left the Ministry there was danger in the state of affairs; but the danger was now ten times greater, and this constituted a still stronger reason why the noble Lord ought to vote for the present motion. He asked the noble Lord, who, as a Minister of the Crown, was so conscious of the weakness of the Government, who disapproved and remonstrated, but without avail, against certain changes, and who thought himself justified in quitting the Administration, how he could now vote in opposition to independent Gentlemen who brought forward a motion directly embodying the sentiments which he had so eloquently expressed. The noble Lord had avowed many principles in which he concurred. He had declared himself in favour of progressive reform, provided any great change in the constitution of the House was carefully avoided. That was the very doctrine entertained by Gentlemen on his own side of the House. If it were not for the unfortunate cry on the subject of the Poor-laws, he should not despair of seeing the noble Lord cross over from the Ministerial to the Opposition benches. He could not perceive that any great difference now existed between Gentlemen on his side of the House and the noble Lord, and he could assure the noble Lord that he concurred in all he had said respecting the expediency of progressive reform, so long as that great measure, the Reform Act itself was left untouched. Nay more, he would support improvements in the Reform Act to the extent mentioned by the noble Lord. He thought the registration system as now settled, objectionable and vexatious in a high degree, and he should be quite ready to join with the noble Lord in effecting its improvement. He understood the noble Lord to assign as his reason for giving the Government his support on the present occasion, that he hoped and believed the heads of the Government, notwithstanding the objectionable changes which had taken place, still adhered to the principles which were expressed by the noble Lord the Secretary of the Colonies in the course of last year. This brought him to the matter he was anxious to state to the House as the reason for the vote which he should deliberately give in favour of the motion. He could assure the noble Lord he would find his present position very uncomfortable. He was in this situation, that having raised his hand against every one, he would find every one's hand raised against him. He had dealt out censure on every part of the House, but the slightest portion had fallen to the lot of the Opposition; and, in the balanced state of his mind, the noble Lord would no doubt find great relief in coming over to that side of the House, to which he seemed to gravitate. The hon. Member for Carlow, who spoke last night, stated that he took his stand on two great questions, which he thought entitled the Government to the confidence of the country; the first was the Irish Tithe Act, and the second the Reform Act. Now he also took his stand on those two questions, and he hoped the House would bear with him while he proved to the satisfaction of every impartial man, that both as regarded the conduct of the Administration, as now constituted, in reference to the Tithe Act of 1835, and in reference to their tampering with the Reform Act, they were not entitled to the confidence of the British public. In the first place, he would call the attention of the House to what exactly took place with respect to the Irish Tithe Act, which was the origin of that unhappy dispute between himself and the Gentlemen opposite, and which dissolved their political connexion. On the 6th of May in the year 1834, the noble Lord opposite (Lord J. Russell), after expressing in terms only too flattering, his attachment to friends with whom he differed on the question of appropriation, stated that

> " Considering himself pledged not only by his general duty as a Member of that House, but by the resolution which had been passed the other day to attend to the just complaints of the people of Ireland—he thought that if there ever were a just ground of complaint on the part of any people against any grievance, it was the complaint of the people of Ireland, against the present appropriation of tithes. He should then, deeply lamenting the decision he should feel himself bound to come to, but at the same time reflecting that he had, to the utmost of his power, resisted all projects for the Repeal of the Union, and that he had, by the support he gave to this and former bills for the maintenance of tithes, vindicated the right of property against those who wrongfully withheld them, he should, at whatever cost and sacrifice, do what he should consider his bounden duty; namely, do justice to Ireland."*

From that time to the present, justice to Ireland had been the catchword of a party sitting on the opposite side of the House. In consequence of that declaration, he and his noble Friend (Lord Stanley), with two other colleagues, left Lord Grey's Government, which was subsequently broken up, and succeeded by the Government of the right hon. Baronet (Sir Robert Peel), who brought in a tithe bill very similar to that which had been introduced by Lord Grey's Government in 1834, but without embodying this noxious principle of appropriation. What then did the noble Lord state? He said

> " I am so convinced of this, that I am morally certain, that if by any chance or accident the right hon. Gentleman, instead of having been left in continual minorities since the commencement of this Parliament, had been, on the contrary, in possession of a large majority, and could have counted a majority of more than one hundred on this very night, the real strength of this question is such, that it would be brought forward year after year, and neither the right hon. Gentleman, nor any other Minister, would finally be able to maintain resident ministers and appurtenances of the church in those districts and places where every reason which justifies the establishment of a church is wanting. I am quite convinced that the principle itself is of so much importance, that it contains so much within itself that concerns future peace and future good government in Ireland, that I would not delay its assertion and its proposition for one instant, even if I were told that the effect of my urging it forward, might be to destroy or relax any ministry which might exist."*

The noble Lord in fact, then brought forward the resolution which overturned the Administration of the right hon. Gentleman near him, and the adoption of the principle of that resolution, was made the foundation of Lord Melbourne's Administration as now existing. Then, talk not to him of Government principle! If any Government were bound to a principle from which it was impossible to depart, it was the Government opposite, which was irrevocably pledged to the principle of appropriation. But did that Government adhere to it? What was the declaration of Lord Melbourne, when pressed in the House of Lords on this subject in 1836? It was suggested that it was possible for him to give way on this principle; but the noble Lord stood up and declared his adherence to this great and decided principle of the bill, which he had adopted and was determined to abide by, and from an adherence to which he could not possibly depart without a sacrifice of character and reputation, and the success of which he firmly believed would be beneficial to the country; he, therefore, and his colleagues, were determined to stand by the resolution, which he

> " Thought not rash or violent, but calculated to set the question at rest, on grounds really satisfactory to the country."*

Now, he particularly called on the House to listen to the words he was about to quote, and if a Government, which could depart from a pledge so solemn as that he should now read, was entitled to the confidence of the country, then he must say that no Administration could ever be convicted of a breach of engagement, or ever declared by the legislature of any country unworthy of confidence. Lord Melbourne added, that

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* Hansard, third series, vol. xxiii., p. 666.

* Ibid, vol. xxvii. p. 767.

"Not only in point of honour, but in point of feeling, and of every regard which they could consider binding as public men, he and his colleagues felt bound to adhere to the principle and letter of this resolution."*

He saw the hon. Member for Sheffield in his place. He would beg to remind the hon. Member of a recent communication made by him to his constituents. The hon. Member there referred to something which he (Sir J. Graham) had done with respect to the Corn-laws, and the hon. Member having done so, he hoped that the hon. Member would allow him to refresh his recollection with regard to a declaration he had made to his constituents either this year or the year before. He thought he had seen an account of a report stating, that the hon. Member had declared that the abandonment by the Ministers of the resolution affirming the principle of appropriation was the basest act of political tergiversation which he had ever met with in the course of his political experience. But, no doubt, the hon. Member would explain, if not to the House, at least to his constituents, how, after this marked declaration of his sentiments towards them, he could bring himself to give a vote of implicit confidence in this base Government. Having now discussed this part of the subject, he came to another fact bearing closely upon it, on which he founded his vote of want of confidence. He declared that the settlement which had been made of the tithe question, was quite satisfactory to his side of the House. It was quite satisfactory because, dropping as it did the appropriation principle, it gave a triumph to the Conservative party, who had always been opposed to that noxious principle. It was quite satisfactory because, he was happy to say, in its operation, it had given peace to Ireland, which had been much vexed and deeply endangered by the agitation of the tithe question. But still at the moment of the settlement of that great question, there was considerable danger. Great apprehensions were entertained respecting the practical operation of the principles embodied in the measure. It was said that it might affect rent, and give the landlords of Ireland an interest in attacking the property of the Church; and possibly weaken the security of the Protestant establishment. In this state of things how had her Majesty's Government acted? Within three months from the passing of the measure, a noble Lord—a Lord-lieutenant of a county, occupying a very distinguished position in Ireland as being eminently favoured by the Government, and favoured by the Crown — within three months of the passing of the act, this Lord-lieutenant of a county headed an address for convening a meeting to sign a petition to Parliament for the total extinction of tithe, and for the appropriation of the amount to secular purposes. So that the person who leads the way, in the dangerous course most calculated to injure the Protestant church, is a Lord-lieutenant of a county, occupying a place at the Court of her Majesty, and distinguished by marks of especial favour, and that noble Lord still retains his place—still retains the marked favor of the Crown, and so shows to the whole people of Ireland, that adherence to the principle of appropriation was still the most effectual method of retaining the support and sanction of the Government. It was, indeed, well known, that the noble Lord had subsequently had conferred upon him a peculiar mark of the Royal favour—that he had received a badge of distinction, thereby showing to the people of Ireland and to the country, the high degree of favour in which he was held at Court. After such conduct, therefore, he confidently asked was this a Government that could be deemed worthy of the confidence of the House of Commons? But, passing this oft-told tale of Ireland, he came to the declaration of the noble Lord the Member for Northumberland, with respect to the changes which had recently been introduced into the Administration. His right hon. Friend, the Judge-Advocate-general (Sir G. Grey), (and in passing he hoped he might be allowed, though now opposed to his right hon. Friend in politics, to use the language of compliment, and say how much his ancient feeling of friendship was gratified by the talent which his right hon. Friend had displayed in his speech last night, in which he had fully justified the opinion which he had always entertained of his right hon. Friend, that he would one day occupy the highest place in the debates and discussions in the House of Commons) had reproached hon. Members on the Conservative side, with the time at which they brought forward these charges. Now he had sat long in that House—he had been long in Opposition—he had had some practice in the proceedings of political parties there; and he must say, that he had always observed that when objections were taken by a Government to the time at which charges were brought forward, and particularly when they professed to be delighted with the opportunity of meeting the attack, there was something pinching and inconvenient in the charge and the challenge itself. His right hon. Friend had asked what new circumstances had arisen? He would tell the House what new circumstances had arisen ever since the Government became the distracted and distressed Government they now were—since they came down in May last and declared their incapability, under existing circumstances, to carry on the administration of affairs any longer with credit or with honor. He would tell the House of three or four circumstances which had occurred since then. First was the appointment of the Marquess of Normanby. The nature of his conduct in Ireland, had been proved by testimony from which there was no appeal—proved and put upon record. His conduct had been censured by one branch of the Legislature. [*"Hear, hear."*] The noble Lord (Lord J. Russell) cried "hear, hear," but the fact was so. The House of Peers had passed a severe censure on the conduct of the noble Marquess; at least it was so considered by the noble Lord opposite, in a speech he made in his place on that occasion. Why was the Marquess of Normanby so censured by one branch of the Legislature? For the manner in which he had exercised the prerogative of mercy. For his conduct to the judges of Ireland. For the general tenor of his management of Irish affairs. Well, the noble Marquess had lately been transferred from the Colonies to the Home Department, where it was his peculiar province to advise her Majesty on the exercise of the prerogative of mercy, where he was frequently called upon to confer with the judges, and where he was again, in effect, at the head of the Government of Ireland. Next he came to the subject of the colonies. The noble Lord had not been particularly successful in his measures for the management of the colonies; but he had last year given at length his reasons for preferring the Jamaica Bill, which was rejected to that which had obtained the sanction of Parliament. Now, the noble Lord was a very careful debater; he was well acquainted with the practice of the House; he seldom made a mistake; but the noble Lord, on this subject, did make a most *mal-adroit* admission. Having returned to the administration of affairs in May last, the noble Lord threw over his Jamaica Bill, and took another and an opposite measure from the Conservative side of the House—he swallowed it whole—he took it entire, and it was passed, and so he thought that the question was set at rest, until he heard the frank but ill-advised confession of the noble Lord on a former evening. His right hon. Friend had taken credit for the complete success of his own measure, had described the peaceful state of Jamaica, and its commercial prosperity: he had represented Sir Charles Metcalf as enjoying an halcyon abode, and the House of Assembly as being greatly attached to him, and as having given the most satisfactory proofs of their attachment by voting a large increase to his salary as Governor. In fact, nothing could be more satisfactory than the results of the measure, according to his right hon. Friend. But "No," says the noble Lord, "no such thing. They are in such a position in Jamaica, that the black man has no chance for justice under this measure. My bill would have ensured it him." If such were the case, if the measure which the Government had consented to pass at the dictation of their opponents for the tranquilization of Jamaica did not supply the means of justice between man and man, he asked whether conduct such as this, could or ought to command the confidence of any portion of the British House of Commons? Having said this in passing, he now would return to more important ground, on which, with the hon. Member for Carlow, he was prepared to stand. It was that vital point, the constitution of the Commons' House of Parliament. He thought it was in 1838, when the hon. Member for the city of London made a motion in favour of ballot, which he advocated in a speech of great power and force, that the noble Lord had made in reply a most conclusive and argumentative speech against ballot. The hon. and learned Member for Dublin had said soon after, referring to that speech of the noble Lord, that he had retired to rest that night with a heavy and a wounded heart, and in his bed shed many and bitter tears. The noble Lord was so decided in his opposition to ballot, that he wrung tears from the hon. and learned Member. This sorrow he presumed endured but for a season; joy must have awaited the hon. and learned Member in the morning; because, though the opinion of the Cabinet Ministers was not favourable, the Master-general of the Ordnance, and one of the Lords of the

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* Hansard, third series, vol. xxxv., p. 483.

Treasury voted against them, and in favour of the measure. The noble Lord, the Member for Bury (Lord C. Fitzroy), had ventured to give an independent vote in favour of the immediate abolition of slavery when the question was first proposed to the House. That breach of discipline the Government did not overlook, and the noble Lord was removed from his place in her Majesty's household, though very soon afterwards, the House, at the instance of the same Government, reversed its former decision, and voted the immediate abolition. The Master-general of the Ordnance, however, and the Lord of the Treasury, were still allowed to retain their places, notwithstanding their refractory vote in favor of ballot. He could not understand the reason of this distinction, holding, as the noble Lord opposite did, opinions so decided on the question of ballot. He held in his hand a document from which there was no appeal. Speeches of Gentlemen in that House might be hasty and inconsiderate, and the reports of those speeches might be imperfect; but when a Secretary of State sat down in his cabinet for the purpose of addressing his constituents, in a letter which he had printed and circulated, the production must be looked upon as a document about which there could be no doubt, and from the authority of which there was no appeal. He was about to quote from the noble Lord's *Address to the Electors of Stroud*, dated, he believed, in April or May of last year, and he thought he was only dealing fairly by the Government in quoting this as an authentic record of the opinions of their leader in the House of Commons. His right hon. Friend the Member for Devonport had complained that the Government had no facts to grapple with in this debate. He wished to state the facts on which he rested his support of the motion. His right hon. Friend had appealed to him (Sir J. Graham) with regard to appeals to popular feeling at the time the Reform Act was passing through its early stages, and struggling for existence. Now he by no means denied that this appeal was made with his knowledge and concurrence. He always said, as the noble Lord had termed it, that the change then effected was a great revolution, though happily a bloodless one. He said he admitted distinctly that appeals were made on that occasion to popular support, perhaps beyond the limits of prudence. He was not there to conceal anything, and he repeated, that he thought that the appeals which were then made to popular feeling, were carried to the very verge of the law, and, perhaps, beyond the strict limits of prudence. If he had made this admission frankly, he hoped he might be allowed to warn the House from the noble Lord's letter against any repetition of such appeals. The noble Lord declared, in effect, exactly what he (Sir J. Graham) now declared, that directly or indirectly, he would not again sanction, in any degree, an appeal to popular force or enthusiasm.

"But supposing," said the noble Lord, "a new enthusiasm could be awakened, I am not ready to stir the caldron from which so potent a charm could be extracted. The excitement of a new change—the passions again raised—the House of Commons again in the furnace to be melted in a new mould—the people again in the temper which burst out in flames at Nottingham and Bristol—"

On this he agreed with the noble Lord, exactly and perfectly—

"Would go far to shake the stability of property, and make law the servant of disorder."

The noble Lord proceeded—

"The Reform Act was carried under the auspices of Lord Grey, assisted by statesmen long used to power, and able to weigh their proceedings. That weight of authority carried along with it a large proportion of the House of Lords and the dispassionate Reformers throughout the country. But, for a new Reform Bill opposed by a majority in the House of Commons and five-sixths of the House of Lords, no such authority could be invoked. It would be menace and the multitude; unknown leaders dictating to intelligence and property; an attempt at reform, but sure to end in confusion."

This was what the noble Lord wrote in May last, and he went on—and to this part of the address, he (Sir J. Graham) begged to call the particular attention of the noble Lord, the Member for Northumberland:—

"Surely, resistance must commence somewhere, and wherever it does commence—"

Here was an additional recommendation to the noble Lord, the Member for Northumberland to come over to the Opposition side of the House:—

"Those who call themselves Conservatives must vote with the party of resistance."

Surely, this was a clear authority that the noble Lord, if he were really opposed to further changes, ought to come over to the Conservative side of the House. But the noble Lord (Lord J. Russell) was more explicit on the subject of Ballot, and the noble Lord used an argument, which he (Sir J. Graham) thought quite conclusive :—

> "Ballot is suited to an absolute government of the few, or a free Government where the suffrage is universal. But for the middle classes of this country to pretend to an irresponsible and secret power over the destinies of the country, would be, as the *Morning Chronicle* says, 'an unendurable anomaly."

The noble Lord then asks, in reference to household suffrage :—

> "Will the non-householders be satisfied? Will they not exclaim against the partiality? Will they not join in demanding that with vote by ballot, universal suffrage is the only tolerable scheme?"

The noble Lord said the proposal of which he was speaking was :—

> "To found a new Reform Bill on the basis of triennial Parliaments, household suffrage, and vote by ballot."

Now, nothing could be more explicit than this. The noble Lord's statement was two-fold—first, that he could not agree to the Ballot; second, that the Ballot leads to universal suffrage. Next he came to the change which took place in last May, and he begged that it might be particularly noticed that immediately after the return of the Government to office, the Ballot having never before been an open question, it was, then, for the first time, made an open question. He was not going into the hacknied subject of open questions; he would rather adopt the terse expression of Lord Brougham when he said that open questions were a cunning expedient invented for the benefit of those who were more anxious to keep their places than to do their duty. But Ballot being an open question, the noble Lord had time to consider, after his return to office, what strength he could call to the aid of his Government. He saw the right hon. Secretary at War (Mr. Macaulay) in his place, and he would therefore, take the opportunity to ask the House to consider how he had handled this subject in a speech made to his constituents at Edinburgh at the time Lord Dunfermline quitted the Chair of the House of Commons. This speech was remarkable for its talent, no less than for its plain, intelligible, frank declarations of opinion. He (Sir J. Graham) did not wish to quote the words of the speech, unless the right hon. Gentleman called upon him to quote the express words; but the right hon. Gentleman, after several ingenious arguments, on the comparative merits of various kinds of political falsehood, and after balancing the whole with curious subtilty, at last declared in favour of the Ballot. The noble Lord opposite said, "That leads directly to universal suffrage." The Secretary at War was not yet quite prepared to go the full length of universal suffrage, but he was in favour of household suffrage. He said, however, he was quite prepared to abolish the rate paying clauses. But there was another point on which the noble Lord who spoke last had put his hand—the extension of the suffrage to the 10*l.* householders in counties. To this, the Secretary at War stood pledged. [Mr. *Macaulay:* Not so.] He would read what the right hon. Gentleman said :—

> "I also believe, that the elective franchise might be extended to every 10*l.* householder, whether his house is within or without the limits of any burgh."

If it would be convenient to the right hon. Gentleman and to the House, he would gladly receive the right hon. Gentleman's explanation then. ["Go on."] Well, he should assume, then, that the mistake to which the right hon. Gentleman objected, consisted in his (Sir J. Graham) having said, that the right hon. Gentleman was pledged. This was a distinction, but it was almost as fine-drawn as that between the falsehood of Ballot and that of other political devices. He was sorry to have made this mistake; he found, on reference, that the right hon. Gentleman did not say he was "prepared to support" an extension of the franchise to 10*l.* householders, but that he believed, the franchise might be extended to every 10*l.* householder, whether within or without the limits of any particular borough. But the difference of expression, except to casuists, did not seem very great. It mattered, however, little as regarded the opinion of the noble Lord whether the right hon. Gentleman was pledged or not. In the opinion of the noble Lord, the Ballot would lead, not to an extension of the suffrage, but to universal suffrage; and the noble Lord had pledged himself to that opinion in a form from which there was no appeal. He might have mistaken the right hon. Gentleman — to mistake the noble Lord was impossible. It was only incidental to the discussion, but he must say, that he could not fail to express an opinion exactly coinciding with that of the noble Lord on this question. He thought, that of all the vain and empty schemes, that were ever addressed to the imagination of man, the most futile was this, based as it was, on the expectation that by small additions to the elective franchise they could ever be in a condition to hope to satisfy the mass of the population. The very reverse was the case. Every man feels the value of that from which he is excluded, more than the value of that to which he is admitted. And just in proportion as you bring nearer to his eyes the object of his desires, do you render him the more impatient of refusal, the more anxious to gain the object refused, the more disgusted with delay. Therefore, of all absurdities, that appeared to him to be the greatest which gave small concessions with respect to the franchise, in the hope of satisfying the people. The Reform Act proceeded on a quite different principle; it proceeded on large concessions; once for all, he said, and the only safety was in sticking to that declarat in. But what did the noble Lord say? He imagined the noble Lord was not prepared to enter upon a course avowedly inconsistent with the permanence of that Act. Nothing that he (Sir J. Graham) had heard the noble Lord say, would warrant the understanding that the noble Lord was prepared for shortening the duration of Parliaments. The right hon. Gentleman, the Member for Edinburgh, was of quite a contrary opinion; he was for shortening them. The right hon. Gentleman said, "he would have the Septennial Act repealed, and not triennial but quadrennial Parliaments established." Now, he must ask, how was it possible upon any principle that they could give confidence to any Administration, having such difference of opinion existing upon matters of such vital importance between the noble Lord and the right hon. Gentleman whom he had admitted into his cabinet, or expect that they could command the confidence of that House; for there was no mistaking about this matter; the Government for five months had had this speech of the right hon. Gentleman before them, recording his opinion, first in favour of the ballot, next in favour of the extension of the suffrage, and thirdly in favour of quadrennial Parliaments. The noble Lord had this in his possession in October last, when he sought to re-model his Administration, in a crisis which the noble Lord the Member for Northumberland said was "most dangerous." The noble Lord made a proposition to the right hon. Member to join his cabinet, and the right hon. Gentleman accepted the offer. He must say, that his respect for the ability of the right hon. Gentleman was as great as for his integrity; and how had the right hon. Gentleman announced his accession to office under the noble Lord? Why he dated his letter from Windsor Castle on the very day when he was sworn into her Majesty's Council—for, lest there should be any mistake that he had compromised any opinion, or compromised any principle announced in his speech at Edinburgh, he sent a missive from Windsor Castle with an express declaration that he had not; and he must say it was particular and explicit to the utmost. But if he could venture to criticise anything that fell from the right hon. Gentleman, he should say it was hardly generous to the noble Lord sitting by his side, for the right hon. Gentleman disclaimed compromising any of his opinions in the position he had taken. What were the words? "The change which has taken place in my situation has produced no change in my opinions and feelings. I have accepted office because I am of opinion that in office I can most effectually promote the success of those principles which recommended me to your favour." He saw the hon. Member for Kilkenny cheered with honest joy; it was a distinct triumph to the Radical party. The Opposition might lose the votes of the Radicals on this occasion by this frank admission, but he cared nothing for that; he thought they had arrived at that period when the public should understand rightly the grounds on which they stood, and the points on which they differed. Did the noble Lord (Lord John Russell) and other Members rejoice in this victory of the Radicals. He could well understand the right hon. Gentleman the Member for Edinburgh rejoicing, because he had obtained a signal triumph; the nobe Lord, as it appeared to him, had sustained a most signal defeat. But really, in passing, he must be allowed to ask—the new principles of the Government being the ballot, extension of the suffrage, and the shortening of the duration of Parliaments—what, in principle, was the difference at this moment between the Chartists and her Majesty's Ministers! He would say, that not only was it a Radical triumph, but, as it appeared to him, it was a Chartist triumph also. In principle (he again repeated his question) where was the difference? He saw one hon. Member present (Mr. Muntz) who had addressed the House for the first time that night, and to whom, as a great authority on this question, he referred. In principle where was the intelligible difference between the policy of her Majesty's present Ministers and the claims of the Chartists? What were the claims of the Chartists? They were five. First of all they claimed the ballot. As a Government, her Majesty's Ministers did not resist the ballot. Their next demand was universal suffrage. In the opinion of the noble Lord, the ballot inevitably led to that concession. But it was a false term, even as demanded; it was not universal suffrage; there were large exceptions; the female sex were excepted, minors were excepted, and persons convicted of crime; therefore it was not universal suffrage which was demanded, but a large extension of the suffrage. The right hon. Member for Edinburgh was in favour of an extension to a large extent; he (Sir J. Graham) said "the noble Lord must go the whole length, though not prepared for it, according to his own argument when he consented to ballot being an open question." The third point was the shortening the duration of Parliaments. The right hon. Gentleman was quite prepared for that; and when quadrennial Parliaments were obtained they would soon descend in the scale to triennial Parliaments. Then they came to the fourth point, the abolition of the qualification of Members; and, for the satisfaction of the Chartists, he held in his hand the names of six Members of the Government who had voted with the Member for Leeds (Sir W. Molesworth) on the resolution for doing away with the property qualification. Perhaps the House would like to hear the names. [Mr. *F. Maule*—There is no property qualification in Scotland.] He was aware of that. The Under Secretary was anxious to throw light on the subject, and informed him that there was no property qualification in Scotland. He lived just on the borders of Scotland, and had seen the good effects of the property qualification on one side, and the bad effects from the want of it on the other side. He might perhaps have an old-fashioned prejudice in favour of property, both as to the right of qualification to vote and as to the right to sit in that House; but though the hon. Under Secretary might differ from him on that point, he did not find the hon. Member's name on the list of voters for the abolition of the property qualification. It might, however, be an additional gratification to the Chartists to be informed, that though the Under Secretary of State had not had the opportunity of voting for the abolition of the property qualification, yet that in their sentiments he entirely agreed. But now the House would perhaps like to hear who the Members of the Government were? First of all there was the Member for Kinrosshire, (Sir C. Adam); next came the Member for the Tower Hamlets (Mr. W. Clay), recently admitted into the Government. He (Sir James Graham) did not know whether this was one of the changes to which the noble Lord (Howick) objected. Then came Lord Ebrington, the present Lord-lieutenant of Ireland; and then there was the hon. Member for the Jedburgh boroughs (Mr. Robert Steuart), the same Gentleman who had run riot on the Ballot question; and, he was sure, that now the triumph of the Chartists throughout Monmouth would be complete when he stated the next Member. Who did the House think was the sixth Member? Her Majesty's Attorney-general. He had now gone through four of the heads of the Charter; the paying of the Members was the fifth. He dared say they would not object much to that article—it was reverting to the old practice; and if that were the only matter in dispute, they would not quarrel much. He had now gone through the heads of the Chartist doctrines, and he repeated the question—where in principle was the difference between the Ministers and the Chartists? And if there was no difference between them, he then asked the House, could they have confidence in such an Administration? He would ask, was this an Administration worthy of the confidence of the country? But this doctrine of the Ballot had not been altogether unproductive. This open question had borne some fruits. They talked of barrenness; it was not barren. The hon. Member for Bridport was quite overjoyed that those happy days were approaching when the Ballot would no longer exist in theory, but would be reduced to practice. What had happened? Why, actually a Member of the Government had been lately introduced into that House, who was so anxious to give practical effect to the theory of the Administration, that in soliciting the suffrages of his constituency, he submitted his claim—his humble claim—to tender his services to the vote by ballot. Yes, the hon. Gentleman humbly submitted to a certain portion of the electors the comparative claims of himself and the other candidate to the test of the Ballot. All this, he was aware, would be vastly satisfactory to the Members of the other side of the House, who had for many years, expressed Radical and extreme opinions, but to all men on that side of the House, who were bound to prevent dangerous changes, and who were anxious to preserve to property its influence and security within these realms, it was not so. He really thought the Judge Advocate had complained without cause of the want of facts and direct statements against the Government; but he was by no means exhausted in his catalogue of such facts, though perhaps he had exhausted the attention of the House. He had another charge to make against her Majesty's Government, of both directly and indirectly giving encouragement to the Chartists. He would deal first with the indirect encouragement; and he would say, in the first place, a more dangerous admission of the correctness of Chartist doctrines was never made by a great officer of the Government than was made by the Marquess of Normanby, when Lord-lieutenant of Ireland, upon the subject of multitudinous meetings. A case was brought under discussion in the House of Lords of a meeting in the county of Waterford, where 50,000 men were assembled for the encouragement of passive resistance against tithes; and the Marquess of Normanby, in his place in Parliament, defended that meeting of 50,000 men assembled for that purpose, upon the abstract point of law, that if there was no direct intimidation or breach of the peace, such meetings were not illegal or to be discountenanced by Government. For the Marquess of Normanby the Secretary of State for the Home Department, to say that such a meeting ought not to be discountenanced by Government in the present tempestuous state of affairs, was in itself, a direct encouragement to Chartism. But the case did not stop there; he held in his hand a variety of reports of speeches of the most violent, seditious, and turbulent character, which were delivered at a variety of public meetings, immediately after the adoption of the charter, in August last, at Birmingham; and very shortly after the adoption of the Charter, the political union there, through one of their Members, who was at Paris, sent an address to the National Guard at Paris, in which they said, that "the Chartists here were quite prepared to make common cause for the extension of the franchise." Such language had been used at public meetings unchecked and uncontrolled. The noble Lord, in an ill-advised moment, had made a speech at Liverpool, which the noble Lord had already said had been imperfectly reported. He held the report of it in his hand. As the noble Lord denied the accuracy of the report, he should not use it; but he should proceed to show to the House what caution a person in the noble Lord's station ought to use under such inflammatory circumstances; and he was bound to remark, that whatever the noble Lord might have said, the report had been most unfortunate, for it could not be denied, after what he was about to read to the House, that that report was treated by the Chartists as accurate, and had produced very decided effects.

Lord *J. Russell:* As the right hon. Gentleman refers to that speech of mine, I really think before he proceeds he should have a correct version of the substance of what I believe I stated on that occasion.

Sir *J. Graham* had never seen a corrected edition of that report. The report, as he had it, was published in the *Globe* newspaper, and he had never seen, as yet, the version that the noble Lord gave of that report; but he had seen that which he should now proceed to read to the House, from which it appeared that that speech of the noble Lord's was most unfortunate in its effects, because it was considered by the Chartists as directly encouraging them. And he must say, considering the notoriety of the speech and its results, there was another circumstance no less unfortunate than the inaccuracy of the report—the tardiness of the correction. He found a report in the *Northern Star* of a meeting held near Leeds. On the 15th of October, 1839, a great meeting was held on Hunslet Moor, which was reported in the *Northern Star* of the 20th of October. A Mr. Joseph Crabtree addressed the meeting, and used these words:—

> "We have had many hard tugs together, and shall we, now that my Lord John Russell has discovered that we have a right to meet, shall we give it up? No, my boys, this is Yorkshire, and you are Yorkshire lads. You will tell him that you will either have your rights, or you will die in the struggle."

A Mr. Collins, in the same meeting, says:—

> "Lord John Russell has told us, that there are some who would advise the putting down of the meetings of the people; but he would not adopt such a course, for he admitted the right of the people to meet. Thank you for nothing, my lord! The attempt to put down one meeting, would put up two."

The hon. Gentlemen opposite were greatly delighted that meetings of this description should not be put down, and thought it extremely desirable for the peace and security of the state that such meetings as these should be encouraged. If this was the opinion of the House, and they had confidence in the Government, they could not object to it; if they did object to such proceedings, this night let them declare they had no confidence in the Government. But did it stop here? He was now about to read to the House what was more unfortunate, and what would excite regret in the kind heart of the noble Lord. His speech, as misreported, had been pleaded by a party recently convicted at Monmouth, of having been present at a seditious and traitorous assembly, as a defence. The person to whom he (Sir J. Graham) alluded was Llewellyn, who in his examination before the magistrates at Newport, before he was committed, made this statement to the magistrates. He said:—

> "I did not consider that meetings of these kinds were illegal; no one ever told me that they were. Besides, not two months before Lord John Russell, the Secretary of State, said, at a public dinner at Liverpool, that public meetings were not only lawful, but commendable; for public discussion, he thought, was the best means to elicit truth. If any one had told me these meetings must be stopped or put down, I certainly would have been the first to stop them."

Now, did Gentlemen intend to ride off on a general term without reference to the particular character of these meetings? These were secret assemblages. So far from being public meetings, they were meetings of delegates, with a considerable number of the population present, where political subjects were discussed, and where the most outrageous scheme for the violation of both persons and property were adopted. The party accused distinctly relied on the authority of the noble Lord as his excuse for attending these meetings, and he said,

> "For these considerations, I, with many others, thought these meetings perfectly legal; and, under such considerations, I thought we were perfectly right in attending such meetings."

The defence of this course rested on the speech of the noble Lord. Whatever the offence of this party might have been, it must convey regret to the mind of the noble Lord, that under whatever circumstances, this speech from him has afforded encouragement to the Chartists. But this was no matter of inference. He now went on to charge the noble Lord with direct encouragement of the Chartists. Considering the unhappy position in which Mr. Frost was now placed, he would not say one word of him, but he should call the attention of the House to another case much stronger than that of Mr. Frost, and for which he (Sir J. Graham) had not yet heard any apology offered. He was about to state a fact, as his right hon. Friend the Judge Advocate had called for facts, and for it he wanted an explanation. Now, had he been rightly informed? It would be in the recollection of the House, that when the Municipal Corporation Reform Bill was under consideration, a proposition had been made by the noble Lord by whom that measure was propounded, to the effect that the corporate magistrates should cease to be nominated by the Crown, but should be elected by the inhabitants of the borough; the Legislature—upon considering that proposition, held it to be dangerous, inasmuch as it was calculated to change the character of the magistrates, and altogether to deprive the Crown of the power it ought to possess. He repeated, that upon that proposition the sense of Parliament was taken, and Parliament decided against it. The circumstance to which he was about to allude, and which the noble Lord opposite could contradict, if it was stated erroneously, formed another reason or ground of want of confidence in the Administration. The noble Lord had in point of fact said in that House,

> "Though I am defeated in the endeavour to obtain such an enactment, still, in exercising the prerogative of the Crown I will indirectly do that, which by the act I cannot do directly;"

And therefore the noble Lord had said to the new corporations,

> "Send me the names of the men you have chosen to be magistrates, and I will put them in the commission of the peace."

He begged to ask the noble Lord at the head of the colonies, whether the name of Mr. Muntz, the brother of the hon. Member opposite, now the mayor of Birmingham, had not been inserted in the commission of the peace by the authority of the noble Lord, and upon the noble Lord's responsibility? Mr. Muntz, now mayor of Birmingham, and placed in the commission of the peace by the authority and upon the responsibility of the noble Lord, had been vice-president of the Political Union, had been a delegate to the National Convention, and trustee of the Chartist fund. He made no comment on this fact, because it was as notorious as the sun at noon day, and he unhesitatingly charged it upon the noble Lord as furnishing a proof of the frank and open encouragement given to the Chartists by her Majesty's Government. He passed from the Chartists, and would only just glance at the encouragement Ministers had given to another class of agitators, the Repealers. He contended, that not content with the direct encouragement they had given to the Chartists in England, her Majesty's Government had given direct encouragement to the Repealers in Ireland. The hon. and learned Member for Dublin gloried in the title of Repealer—he had declared that he would be a Repealer to the last hour of his life, and, as had been stated by the hon. Member for Worcester, had declared that he would rather die in the field than submit to the imposition of a Tory Government upon Ireland, and that come what might, he was a Repealer for the rest of his life. The hon. and learned Member for Dublin, had certainly been consistent in his intentions to force the question of repeal upon this country, and he well remembered the hon. and learned Gentleman to have once said, that there was a great similarity between the position of M. Papineau in Canada and that of himself in Ireland. Now what had been the treatment of M. Papineau? Papineau without trial, without taking an active part in the attempt to dismember the empire of Great Britain, had been outlawed. The hon. and learned Member for Dublin, no less bent upon the dismemberment of the empire than had been M. Papineau, who, he repeated, had been condemned without trial, had been caressed by her Majesty's Government, and offered one of the highest judicial situations in Ireland. Perhaps this was a change in the policy of the Administration to which the noble Lord the Member for Northumberland objected. He disclaimed all objections to the hon. Member on account of religious differences. He, for one, thought that the moment the Emancipation Bill had passed, every good and loyal subject of the realm, without regard to religious opinions, was entitled to a fair and equal share in the patronage of the Crown; but he must say, that in the elevation of the right hon. and learned Member for Tipperary to the councils of her Majesty—considering that the right hon. and learned Gentleman had been (for he knew not what the right hon. Gentleman was now) not only a repealer, but actually a teller on the division which followed the motion of the hon. and learned Member for Dublin for a repeal of the legislative union—was as dangerous as the direct encouragement the Government had given to the Chartists, and an appointment as directly in favour of repeal as the Government could possibly have made. He (Sir J. Graham) had already stated his opinion with regard to what were called "open questions;" he had already cited the terse *dictum* of Lord Brougham on that subject—a *dictum* which he thought would be remembered by the country. Not content with leaving the ballot an open question, the noble Lord opposite (Lord J. Russell) had admitted to his councils the right hon. Member for the city of Edinburgh, who had pledged himself in a speech he (Sir J. Graham) held in his hand, but which, after the denial of the authenticity of a reported speech of the noble Lord's, he was afraid to read, to advocate perfect freedom of trade generally, and free trade in corn in particular. The right hon. Member for Edinburgh did not advocate a fixed duty. He proposed no new regulation, but had declared himself an advocate for perfect and entire free trade in corn. He claimed the permission of the House just to read the opinion of Lord Melbourne, the head of the Administration, on that subject. On the 14th of May last Lord Melbourne thus expressed himself. The noble Lord's expressions contained no declarations against a fixed duty, but they amounted to a distinct declaration against free trade in corn on the part of her Majesty's advisers. The noble Lord on the 14th of March said,

"For the sake of argument I will assume the possibility of our being in a situation in which we might legislate with a *tabula rasa.* I will suppose that we had no interests to protect, and that we were told that this was to be a great manufacturing country—great in wealth, prosperity, and population, and I should then very much doubt whether it would be wise to establish laws which must make a large manufacturing population dependent on foreign countries for a supply of corn. But when I consider the situation in which we stand—when I consider the various and complicated interests which we have to protect—when I consider the peculiar nature of our financial position, and find my noble Friend proposing to leave the whole agricultural interest without protection, I declare before God that I think it the wildest and maddest scheme that has ever entered into the imagination of man to conceive. I entirely agree that any change in the present system would be an evil; and if the effect of the agitation of this subject has been to interfere with the employment of capital, and the improvement and sale of land, I am ready to confess that I think it is better that we should make no alteration."*

Now, what had been the declaration of the right hon. the Secretary at War? That right hon. Gentleman had said, "I have always been adverse to any restrictions upon trade, and above all to those restrictions upon trade which affect the necessaries of life." The declaration had been made some months before the missive sent to his constituents by the right hon. Gentleman from Windsor Castle, and yet Lord Melbourne was content to select the right hon. Gentleman as the favoured candidate for admission into his cabinet. Nay more, the question of the corn laws was the question, if ever there was one, upon which it was the imperative duty of the cabinet to take a decided and a bold line of conduct; it was the very particular question that was vital to the peace of the community—a question upon which they ought not to be kept in suspense; and the only use of a Government in such a case was, that amidst conflicting parties it should hold with a steady hand the balance, and declare what should be done. Now he asked, what were the opinions of the Members of her Majesty's Government on that subject. He believed that the new Vice-President of the Board of Trade had voted with him against any change in the corn laws, whilst the new President of the Board of Trade, had declared, he believed, for he spoke without certain knowledge, at Manchester, that he was willing to adopt a system of free trade in corn. Now, was there any doubt existing as to the opinions held on the question of the corn laws on his side of the House. He was in favour of protection to native agriculture, and of protection in this way, viz., that there should be a duty on a graduated scale, rising as prices fell, and falling as prices rose. To those two principles he was pledged, and he believed his Friends on the benches near him avowed the same principles. He had now passed through a vast variety of topics, and he feared he had wearied the House. He would only deal with one other branch of this immense subject, and upon it he would touch very shortly—that subject was the question of patronage. He was no prude on that subject—nay, he admitted generally the doctrine laid down by his right hon. Friend the Judge-Advocate, that every Government was justified in giving a preference to its friends and supporters, but he contended that there were some vast and mighty exceptions to that rule, and those great exceptions were the two great services of arms in this country, and he said distinctly, with respect to the navy, that the root of its efficiency was struck at—the mainspring of that service on which the greatness of this country rested was broken, if officers were led to understand that services performed on the quarter-deck were secondary to services performed on the hustings. The right hon. and learned Judge-Advocate delighted in facts. He would make no comments on these he was about to mention, but simply detail them to the House. No less than eight naval officers above the rank of lieutenants had stood contests at the last general election and had been defeated. Every one of those officers having stood election contests, most of them while on half-pay, had since the election of 1837, been placed in command. Admiral Ommanney, who had contested Hampshire, had been put in command at Lisbon;—Lord John Churchill, who had stood a contest for Woodstock, now commanded the Druid; Captain Plumridge, who contested Falmouth, had been appointed to the Astrea; Lord Clarence Paget, who contested Southampton, was appointed to the command of the Howe; Captain Napier, who stood for Greenwich, now commanded the Powerful; Captain Townshend, who contested Tamworth, had been appointed to the command of the Tyne; Captain Pelham, who stood a contest for the Isle of Wight, was now in command of the Wasp; and Captain Houston Stewart, who stood for Renfrewshire, had been appointed to the command of the Benbow. An hon. and learned Member under the gallery had intimated that Captain Plumridge had been appointed to the Astrea before the election at Falmouth. Now, he would give the House a narrative of that transaction. He would take it as a general sample of all the rest and leave the House and the country to judge of it. When he had the honour of a seat at the Board of Admiralty, he had the high satisfaction of placing in the command of the dock yard at Chatham, Sir James Gordon, a distinguished ornament of his profession, and an officer who had lost his leg in a celebrated action in the Adriatic, and who, though unable for active service afloat, felt himself unwilling to submit to a life of idleness. That officer delighted in an appointment in which he still could render service to his country, and had commanded the dock-yard at Chatham in a manner which challenged inquiry. Sir James Gordon was most anxious not to retire on the pension list, but to remain in the discharge of those active duties on shore, for which he felt he was well qualified. Lord Auckland, while at the Admiralty Board, had appointed to a lucrative situation at Falmouth, in a manner highly creditable to him, an officer of great distinction, but without any influence—of humble means, but great worth—Captain Clavell, who had been lieutenant to the illustrious Collingwood. This was an arrangement made before the general election of 1837, and what had been the conduct of the present Board of Admiralty? They had compelled Sir. J. Gordon to vacate his appointment at Chatham, and then put him on half-pay—they removed Captain Clavell from Falmouth to Chatham; and Captain Plumridge, an excellent officer, and a relation of the First Lord of the Admiralty, was appointed in his place. He did not know the precise date of the Falmouth election, but he believed it was about August, and that Captain Plumridge had been sent there in the month of May previous. The House and the country had heard a good deal lately about officers, on full pay having taken part in politics. If a rule was to be applied to the army, he contended the same rule ought to be extended to the navy. Here, however, was Captain Plumridge sent into command at Falmouth a few months before the election, and at the election he stood as a candidate for the representation of the borough. Ever since that time, he had taken good care of the interests of the Government there; he had been of great assistance to them at the recent election, and, in point of fact, it could not be denied, that Captain Plumridge had been appointed to that lucrative situation, and that he had stood a contested election for the borough, where he was in command. There was still another circumstance, almost as amusing. In the same month of August, he believed, the good people of Southampton, who had not seen a ship of war for a long period of time, were rejoiced by one of her Majesty's frigates sailing up the Southampton water, and being brought to an anchor opposite the town. The inhabitants were overjoyed at this appearance, but very soon the secret transpired. The frigate was the Pearl, commanded by Lord Clarence Paget, who was a candidate for Southampton, and of whose hospitalities, on board, the independent electors partook largely, rejoicing much. He would just touch upon one other point, and it should be the last. He had already shown the conduct of the Government in respect of the Jamaica question, and upon that alone, he thought he had good grounds for supporting a vote of want of confidence. He thought he could establish an equally good ground for want of confidence in the conduct of her Majesty's Government with regard to the Canadas. On the 9th of August, 1838, a bill, rescinding the ordinances of the Earl of Durham, and conveying a direct censure upon that noble Lord, came to be read a second time. On the 9th of August, 1838, Lord Melbourne declared, that to pass that bill involved—

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* Hansard, vol. xlvi. p. 610-611.

> "Nothing less than the continuance of the connexion of one part of the empire with the other—that it involved nothing short of the integrity of the empire, and he would add, nothing short of the peace of the world. When he considered the moral effect which such a law must have in Canada—when he saw that it amounted, in point of fact, to nothing more nor less than a strong and direct condemnation of the policy pursued in that country, he could not, either in his conscience, or from a regard to the interests and welfare of the empire, consent to the second reading of the bill."*

The noble Lord, at the head of the Government, further declared that the measure was the height of injustice to Lord Durham, of whose conduct he approved, and that to pass the bill would be to sever the colony from the mother country, and thus to mutilate the empire. Such were the declarations of the noble Lord, on the 9th of August; he took a division upon the bill in the House of Lords, on that division he was defeated, and on the following day, the noble Lord adopted the bill, and it was passed through the House of Commons, as it was passed through the House of Lords, at the instance of the noble Lord himself. Was it, then, possible to place confidence in such a Government? Where were governors of colonies to be found who would act under such an Administration? Conduct, such as that he had described, threw the whole empire into confusion; and, so far from thinking that the present question was one of secondary importance, because it only assailed the character of men, he concurred in the observation of Lord Bacon:—

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* Hansard, Vol xliv., p. 1096.

> "That it was in vain that princes should consult about matters unless they also consult about persons, for matters after all, are but dead images—the life of the execution of affairs consists in the choice of persons."

He charged upon the noble Lord and his colleagues, that conduct such as he had depicted was enough to shake all confidence in them; he asserted that a change in her Majesty's advisers was indispensable, if peace and order, and good Government were to be preserved; and he called upon the House by the vote of that night, to give security to property, which was endangered, and stability to the Empire, whose best interests were at stake.

Mr. *Macaulay* said, it is possible, Sir, that the House may imagine I rise under some little feeling of irritation, to reply to the personalities and accusations of the right hon. Baronet. I shall indulge in neither. It would be easy to reply to them—to recriminate would be still easier. Were I alone personally considered, I should think either course unworthy of me. I know that egotism in this House is always unpopular; on this occasion it would be singularly unseasonable. If ever I am under the necessity of addressing this House on matters which concern myself, I hope it shall be on some occasion when the dearest interests of the empire are not staked on the event of our debate. I do rise, Sir, to address you under feelings of deep anxiety, but in that anxiety there is not, if I know my own heart, any mixture of selfish feeling. I do feel, indeed, with the most intense conviction, that in pleading for the Government to which I belong, I am pleading for the dearest interests of the Commonwealth—for the reformation of abuses, and for the preservation of august and venerable institutions. I trust, Mr. Speaker, that the first Cabinet Minister who, when the question is, whether the Government be or be not worthy of confidence, offers himself in debate, will find some portion of that generosity and good feeling which once distinguished English gentlemen. But be this as it may, my voice shall be heard. I was saying that I am pleading, not only for the preservation of our institutions, but for liberty and order, for justice administered in mercy, for equal laws, for the rights of conscience, and for the real union of Great Britain and Ireland. Sir, I wish first to address myself, not to any matter relating to myself alone, but to those parts of the subject with which my name is bound up in some degree with the character of the Government to which I belong. My opinions are favourable to secret voting. The opinions of my noble Friend (Lord John Russell) are in favour of open voting. Notwithstanding, we meet as Members of one Government. This has been made a topic of charge against the Government by every Gentleman who has addressed the House, from the hon. Baronet who opened the debate, down to the right hon. Baronet who spoke last. Now, Sir, I say in the first place, that if on account of this difference of opinion we shall be considered by the House unworthy of its confidence, then no Government for many years has been worthy, is worthy, of the House of Commons: for the Government of Mr. Pitt, the Government of Mr. Fox, the Government of Lord Liverpool, the Government of Mr. Canning, the Government of the Duke of Wellington, have all had open questions on subjects of the greatest moment. I say that the question of Parliamentary Reform was an open question with the Government of Mr. Pitt. Mr. Pitt, holding opinions in favour of that question, brought into the Cabinet Lord Grenville, who did not. Mr. Pitt was opposed to the slave trade. Mr. Dundas, a defender of it, was a Member of his Government. I say Mr. Fox, in the same manner, in his Cabinets of 1782 and 1806, had open questions of similar importance; and I say that the Governments of Lord Liverpool, Mr. Canning, and the Duke of Wellington, left, as an open question, Catholic Emancipation; which, closely connected as it was with the executive Administration, was, perhaps, one of the last questions which should ever have been left an open one by any Government. But to take still more important ground, and to come to a question which more nearly interests us—suppose you dismiss the present Government, on what principle do you mean to constitute an Administration composed of hon. Gentlemen opposite? Is it proposed by you to leave the privileges of this House an open question. Is it intended that your proposed Government should consist of those amongst you who declare themselves favourable to our privileges? Will it be said, that the question of privilege is of less importance than the question of the ballot? It is from the question of privilege that the question of the ballot, and all similar questions derive their importance. And of what consequence is the mode in which you are elected, if, when you meet, you do not possess the privileges necessary for your efficiency as a branch of the Legislature. Is anything more clear than that, if an address (which is likely) were presented to the Crown on the subject of our privileges, you could never agree as to the answer to be given to it? Why, can any question be more important than that which should determine in what relation we stand to our constituents in the Courts of Judicature, and to the other branches of the Legislature? And, on the other hand, what is more monstrous (if we take the view of those opposed to our privileges) than that we should assert our privileges by attacking the liberty of the subject, by infringing on the functions of the courts where her Majesty dispenses the law, and committing to prison persons guilty only of the crime of appealing to the laws of their country? Can you conceive anything more absurd than the Prime Minister, over night, sending men to prison, to whom his law officers and supporters pay complimentary visits in the morning? I seriously believe that the differences of opinion on the other side on the question of privilege would, if a Ministry were formed from that quarter, produce, practically, more inconvenience in a week, than leaving the ballot an open question is likely to produce in ten years. The right hon. Baronet asks in what does the present Government differ from the Chartists? One Member of the present Government has, it is true, declared himself favourable to the ballot. I objected to the use of the word pledged; for I never gave any constituent body a pledge. It is alleged too, that because I maintained that a 10*l.* house being considered a sufficient proof of a man's stake in the country to fit him to be a voter, it was not desirable his locality should decide upon his right of voting—for this reason, I stand exactly in the same position as those who would abolish all pecuniary qualification. I cannot see, however, in what way I admit, in the least, the doctrine of those who would abolish all qualification whatever, by expressing a desire to see the present 10*l.* franchise extended. In my opinion, a pecuniary qualification is indispensably necessary to the safety of the empire. In my opinion the 10*l.* qualification has never proved too high; and supposing society to continue in its progress—supposing education to continue, and the distribution of property, and the value of money to remain as they are, if I can foresee anything in my public conduct, I shall abide by the opinion which I have just expressed as to the question of the franchise. This is my answer to the right hon. Baronet, and if it does not convey to him a proof that my opinions are different from those of the Chartists on this subject, his conception of their doctrines differs very widely from mine. I come to that which, through the whole debate, has formed the principal subject of observation; for it must be clear, that it is not on the conduct of Commissioner Lin, or of Captain Elliot, or on the hostilities on the river La Plata, or on any circumstance of this kind, that the result of this debate must turn. The main argument of the hon. Gentleman opposite, used by the hon. Baronet who opened the debate, repeated by his seconder, and constituting the substance of every speech which has been delivered, amounts to this:—"The country is in an unsatisfactory state—there is great turbulence—there is great disposition to extensive political change—and at the bottom of all lies the agitating policy of those Whigs. They raised themselves to power by means of agitation — they strengthened themselves in favour by means of agitation —they carried the Reform Bill by means of agitation — and we are now paying the fruits of their acts. All this Chartism is but the effect of their conduct; and it is evident that from those who have caused the evil you cannot expect the remedy. We ought to dismiss them, and seek others who, never having excited the people to turbulence, will command the confidence of the country." I don't know whether I have stated it correctly, but this as nearly as I could collect is the substance of what has been urged by hon. Gentlemen opposite. Now, I might follow the example set by my right hon. Friend (the Judge Advocate) in his most noble and eloquent speech, and content myself with stating that this agitation belonged principally to the Government of Lord Grey. Of that Government, the noble Lord the Member for Lancashire, and the right hon. Member for Pembroke were Members. I might say—" They were then distinguished Members of this House. To them I leave the task of exculpation—to them I leave it to defend agitation—to them I leave it to decide on what principle, and to what extent they shared in such means of carrying public questions." In spite of that challenge which my right hon. Friend gave the right hon. Baronet, he gives no explanation, but contents himself with the simple confession—" I liked the Reform Bill—I agitated for it. I was carried I admit far beyond prudence, and just on the verge of the law." Is it possible that any gentleman possessing only a very small part of the foresight of the right hon. Gentleman should not perceive, that as soon as this defence is admitted, this consequence must of necessity follow—that the only question is, whether the measures to be agitated for are good in themselves, and not whether agitation itself be good or bad. The right hon. Baronet, admits, then, that agitation itself is a proper and legitimate mode of carrying any measure that is good. When the right hon. Baronet comes forward to charge the present Government with agitation, and directs his reproaches against no member of that Government more than myself, I confess I feel some inclination to remonstrate with the right hon. Gentleman for want of generosity; for my interest in this question is small, indeed compared with that of the right hon. Gentleman himself. I, Sir, was not a member of the Cabinet that brought in the Reform Bill—I was not one of those Ministers who told their Sovereign they would serve him no longer unless he would create a sufficient number of Peers to carry their measures. I, Sir, at that time was merely one of those hundreds within these walls, and of millions throughout the country, who were firmly and deeply impressed with the conviction that the Reform Bill was a great and salutary measure—who reposed the greatest confidence in the abilities, the integrity, and the patriotism of the Ministers; and I must add, that in no Member of that administration did I place greater confidence for the possession of those high qualities than in the noble Lord the Secretary for Ireland, and in the right hon. Gentleman the First Lord of the Admiralty. In none did I place greater confidence that they would take measures to guard against the evils inseparable from all great changes, and take heed that they did not produce consequences injurious to the community. Is it not extraordinary that we should be reproached with what was, in fact, confidence in the noble Lord and right hon. Gentleman, by the very men who are seeking to raise that noble Lord and right hon. Gentleman to power? If the provisions of the Reform Bill point to Chartism — if the doctrines of Chartism are to be traced to the spirit of that enactment, then, Sir, I am bound to say that none more than the noble Lord and the right hon. Gentleman are answerable for it. If men are to be deemed disqualified for places in the councils of their Sovereign, because they exerted themselves to carry that bill, because they appealed to the people to support that bill, because they employed means, certainly lying within the verge of the law, but certainly also, as has been observed, just within the confines of prudence, then, Sir, I do say that no men in this empire lie under a disqualification for office more complete, more entire, than the noble Lord and the right hon. Baronet. Sir, I leave to them the task of defending themselves; well are they qualified by their talents to do so; but if the noble Lord does not answer, then it will remain for the right hon. Baronet, who twice offered both of them places in his Cabinet to do so. If the noble Lord and the right hon. Baronet (or, as I trust he will permit me, in spite of some few asperities this evening, to call him my right hon. Friend) will forgive me, I would offer some consideration in extenuation of their conduct. I would say, " You condemn agitation. Do you mean to say that abuses shall never be removed? If they are to be removed, then I ask, is it possible that any great abuse can, in a country like this, be removed till the public feeling is against it, or that the public feeling can be raised and kept up without arguments, without exertions, both by speech and writing, the holding of public meetings, and other means of a like nature?" Sir, I altogether deny that assertion or insinuation, which I heard over and over again, both yesterday and this night, in this House, that a Government which countenances, or does not discountenance, agitation will not punish rebellion. There may be a similarity in the simple act between the man who bleeds and the man who stabs; but is there no difference in the nature of the action—in its intent and in its effects? I do not believe there has been one instance of justifiable insurrection in this country for a century and a-half. On the other hand, I hold agitation to be essential, not only to the obtaining of good and just measures, but to the existence of a free Government itself. If you choose to adopt the principle of Bishop Horsley, that the people have nothing to do with the laws but to obey them, then, indeed, you may deprecate agitation; but, while we live in a free country, and under a free Government, your deprecation is vain and untenable. If a man lives in Russia and can obtain an audience of the Emperor Nicholas or of Count Nesselrode, and can produce proof that certain views he entertains are sound, certain plans he proposes would be attended with practical benefit, then, indeed, without agitation, without public discussion, with a single stroke of the pen, a great and important change is at once effected. Not so Sir, in this country. Here the people must be appealed to — the public voice must be consulted. In saying this have I defended one party alone — have I not defended alike both the great parties in this House? Have we not heard of agitation against the Catholic claims? Has there been no agitation against the Poor-law? Has there been no agitation Education? Has there been no agitation against the Catholic Privy Councillors? But to pass, Sir, from questions about which there may fairly exist a difference of opinion, to measures upon which we must all agree—to pass to a measure of the proudest, grandest, nature that ever received the sanction of a legislature; I say that the Slave-trade would never have been abolished without agitation. I say that slavery would never have been abolished without agitation. Would your prison discipline, or the severities of your penal code have been ameliorated without agitation? I am far, very far, Sir, from denying that agitation may be much abused —that it may be carried to a most unjustifiable length. But, Sir, so also may freedom of speech in this House, so also may the liberty of the press. What is agitation when it is examined, but the mode in which the people in the great outer assembly debate? Is it not as necessary that they should have their discussion without the walls of this House, as we who sit within them? There may, indeed, be occasional asperities in popular meetings, as experience has shewn that there frequently are in debates in this House, but that is no reason why freedom of debate should be abridged in either. I know well that agitation is frequently used to excite the people to resist the law, but that that is a proper subject for animadversion upon the Magistrates, I deny—that the agitation of the present time is evidence of the agitation of the Government of Lord Grey, I deny. It is perfectly true that what is said in this House, or any other public assembly, though it may be moderate, reasonable, and may point only to the legal remedy for an abuse, may yet be taken up by the disingenuous man, and be so twisted, distorted, and perverted, that it may excite the populace to acts of crime. I have heard within the walls of this House, the right hon. Gentleman opposite—not, I am sure, with any improper motive—apply to secret meetings of men for lawless purposes, expressions which the noble Lord used only with respect to public and open meetings. The right hon. Gentleman ought to remember, that his own words have been applied by bad men for the delusion of the multitude. One of the speeches which has been used by the Chartists as a handle for their excesses, was a speech of the right hon. Baronet. Do I blame him for that? No. He said nothing which was not within the just line of his duty as a Member of this House. I allude to a speech which the right hon. Baronet made upon the subject of the emoluments divided among the Privy Councillors. I fully acquit the right hon. Gentleman of saying anything that was not in strict conformity with his duty, but it is impossible for any man so to guard his expressions that bad men shall not misconstrue, and ignorant men misunderstand them. I therefore throw no censure upon the right hon. Baronet, but I do say, that the very circumstance of his own speech having been perverted should make him pause, before bringing charges against men not less attached than himself to the peace and well-being of society—charges having no better foundation than bad reports of their speeches, and his own misapprehension of them. Now, Sir, to pass by many topics which, but for the lateness of the hour, I would willingly advert to, I come to that which is really the point. This is not less a comparative than a positive question. The meaning of the vote is not, clearly, whether this House approves in all respects of the conduct of the Government —it is whether this House conceives that a better one can at present be formed. All government is imperfect, but some government there must be; and if the present Government were far worse than any hon. Gentleman on the other side would represent it to be, still it would be every man's duty to support it if he did not see that a better one would supply its place. Now, Sir, I take it to be perfectly clear that in the event of the resignation of the present Administration one must be formed, the first place of which must be filled by the right hon. Baronet opposite. Towards that right hon. Baronet, and towards many of those Noblemen and Gentlemen who, in such an event, would be associated with him, I entertain nothing but kindly and respectful feelings. I am far—very far I hope—from that narrowness of mind which can see merit in no party but his own. If I may venture to parody the old Venetian proverb, I would say, "Be first an Englishman, and then a Whig." Sir, I feel proud for my country when I think how much of integrity—how many virtues and talents which would adorn any station, are to be found among the ranks of my political opponents. Among them, conspicuous for his high character and ability, stands the right hon. Baronet. When I have said this, I have said enough to prove that nothing is further from me than to treat him with the smallest discourtesy in the remarks which, in the discharge of my public duty, I shall feel it necessary to make upon his policy and that of his party. But, Sir, it has been his misfortune, it has been his fate, to belong to a party with whom he has had less sympathy than any head ever had with any party. I speak of that which is a matter of history. I speak now of times long ago. He declared himself decidedly in favour of those principles of free trade which made Mr. Huskisson odious to a great portion of the community. The right hon. Baronet gave every facility for the removal of the disabilities of Protestant Dissenters. The right hon. Baronet brought in a Bill for the relief of Catholic disabilities; yet what we are charged with is bringing that enactment into practical operation. The right hon. Baronet declared himself in favour of the Poor-law; yet if a voice is raised against the "Whig bastiles," or "the tyrants of Somerset House," that cry is sure to proceed from some person who wishes to vote the right hon. Baronet into power. Even upon this great question of privilege, upon which right hon. Baronet has taken a part which ought to render his name to the end of time honourable in the opinion of this House, and of all who value its privileges, I cannot but conceive that the right hon. Gentleman is at variance with the great body of his supporters. Sir, I have also observed that where the right hon. Baronet does agree with the great body of his supporters in conclusions, he seldom arrives at those conclusions by the same process of reasoning by which their minds are led. Many great questions which they consider as of stern and unbending morality, and of strict principle, have been viewed by him as mere points of expediency, of place, and of time. I have not heard one allegation against the Government of Lord Melbourne which would not enable a Government formed by the right hon. Baronet to bring in, with some little variation, the same measures. I listened to the right hon. Baronet—I always listen to him with pleasure—upon the subject of education, and I could not but be amused at the skill with which he endeavoured to give the reasons of a statesman for the course of a bigot; and my conclusions, as I listened, was that he thought as I did with respect to the Douay version and the Normal schools. Sir, I am irresistibly brought to this conclusion, that in a conjuncture like the present, the right hon. Baronet can conduct the administration of affairs with neither honour to himself, nor with satisfaction to that party who seek to force him into office. I will not affect to feel apprehensions from which I am entirely free. I will not say that I think the right hon. Baronet will act the part of a tyrant. I do not think he will give up this country to the tender mercies of the bigoted part—and which form so large a part—of his followers. I do not believe he would strike out the names of all Catholics from office and from the Privy Council. Nor, Sir, do I believe that the right hon. Baronet will come down to the House with a Bill for a repeal of his own great measure. But, Sir, what I think he will attempt to do is this—he will attempt to keep terms with that party which raises him to power by a course which would soon excite the gravest discontents in all parts of the empire. And at the same time I think, Sir, that he will not carry the course of his administration far enough to keep their steady support. The result, I think, will be this—that the right hon. Baronet will lose the support of a great portion of his own party, and, at the same time, he will not gain the support of the other, till at last his Government will fail from causes purely internal. Sir, we have not to act in this merely upon conjecture. We have beheld the same piece performed on the same scene, and by the same actors, at no distant period. In 1827, the right hon. Baronet was, as now, at the head of a powerful opposition. He had a strong minority in this House, and a majority in the House of Lords; he was the idol of the Church and of the Universities; and all those who dreaded change —all those who were hostile to the principles of liberty and the rights of conscience, considered him their leader; he was opposed to those Members who were sometimes called Papists, and sometimes idolaters; he was opposed to a Government which was said to have obtained power by personal intrigue and Court favour. At last, the right hon. Baronet rises to the principal place in this House. Free from those difficulties which had embarrassed him, he was in opposition when Tory bigotry had found for the greatest orator, and the most accomplished of Tory statesmen in the nineteenth century, a resting place in Westminster Abbey, and the right hon. Baronet appeared at the head of Government upon this bench, and those who had raised him to power with the loudest acclamations, and deemed that their expectations must necessarily be accomplished. Is it necessary to say in what disappointment—in what sorrow—in what fury all those expectations ended? The right hon. Baronet had been raised to power by prejudices and by passions in which he had no share. His followers were bigots; he was a statesman. He was calmly balancing conveniences and inconveniences, whilst they were ready to prefer confiscation, proscription, civil war, to the smallest concession to public feeling. The right hon. Baronet attempted to stand well with his party, and at the same time to perform some part of his duty to his country. Vain effort! His elevation, as it had excited the hopes and expectations of his own party, awakened gloomy apprehensions in other quarters. Agitation in Ireland, which for a time had slumbered, awakened with renewed vigour, and became more formidable than ever. The Roman Catholic Association rose to a height of power such as the Irish Parliament in the days of its independence never possessed. Violence engendered violence; scenes such as the country for long years had not witnessed, announced that the time of evasion and delay was passed. A crisis was arrived, in which it was absolutely necessary for the Government of the day to take one part or the other. A plain and simple issue was proposed to the right hon. Baronet—either to disgust his party or ruin his country. He chose the good path; he performed a painful, in some sense a humiliating, but in point of fact a most truly honourable part. He came down himself to propose to this House the great measure of Roman Catholic Emancipation. Amongst the followers of the right hon. Baronet, there were some who, like himself, had considered opposition to the Catholic claims purely as a matter of expediency. These readily changed about, and consented to support his altered policy. But not so the great body of those who had previously followed the right hon. Baronet. With them, opposition to the Roman Catholics was a passion, which a mistaken sense of duty bound them to cherish. They had been deceived, and it would have been more agreeable to them to think, that they had been deceived by others than by one of their own sect—one whom they themselves had been the means of raising to a permanent place in the Administration of the country. How profound was their indignation! With what an explosion did their rage break forth! None who saw that time can ever forget the frantic fury with which the former associates of the right hon. Baronet assailed their quondam chief. Never was such a torrent of invective and calumny directed against one single head. All history and all fiction were ransacked by his own followers to furnish terms of abuse and obloquy. The right hon. Gentleman, whom I am sorry not now to see in his place on the bench opposite, unable to express his feelings in the language of English prose, pursued his late chief with reproaches borrowed from the ravings of the deserted Dido. Another, wresting to his use the page of holy writ, likened him to Judas Iscariot. The great University, which heretofore had been proud to confer upon him the highest marks of its favour, was now foremost to fix upon him the brand of disgrace and infamy. Men came up in crowds from Oxford to vote against him, whose presence a few days before would have set the bells of all their churches jingling. The whole hatred of the high Church party towards those to whom they had previously been opposed, was sunk and absorbed in this new aversion; and thence it happened that the Ministry, which in the beginning of 1828 was one of the strongest that the country ever saw, was at the end of 1829 one of the weakest that a political opponent could desire to combat. It lingered on another year, struggling between two parties, leaning now on the Whigs, now on the Tories—reeling sometimes beneath a blow from the right, sometimes from a blow on the left—certain to fall as soon as the two parties should unite in their efforts to defeat it. At last it fell, attacked by the whole body of the Church, and of the Tory gentry in England. Now, what I wish to know is this: What reason have we to believe, that from an Administration now formed by the right hon. Baronet we could anticipate any different result. The right hon Baronet is still the same—he is still a statesmen. Yes—still a statesmen, high in intellect, moderate in opinions, calm in temper, free from the fanaticism which is found in so large a measure among his followers. I will not say, that the party which follows him is still the same, for in my opinion it has undergone a change, and that change is this—it has become fiercer and more intolerant even than in days gone by. I judge by the language and doctrines of of its press; I judge by the proceedings of its public meetings; I judge by its pulpits—pulpits which are every week teeming with invective and slander that would disgrace the hustings. A change has of late come over the spirit of a part, I hope not the most considerable part, of the Tory party. It was once the boast of that party, that through all changes of fortune they cherished feelings of loyalty, which rendered their very errors respected, and gave to servitude something of the dignity and worthiness of freedom. A great Tory poet, who, in his lifetime, was largely requited for his loyalty said—

> "Our loyalty is still the same,
> Whether it win or lose the game,
> True as the dial to the sun,
> Although it be not shone upon."

We see now a very different race of Tories. We have lived to see a new party rear its head—a monster of a party, made up of the worst points of the Cavalier and the worst points of the Roundhead. We have lived to see a race of disloyal Tories. We have lived to see Toryism giving itself the airs of those insolent pipemen who puffed out smoke in the face of Charles the First. We have lived to see Toryism, which, because it is not suffered to grind the people after the fashion of Strafford, turns round and abuses the Sovereign after the fashion of—(the remainder of the sentence was lost in the cheers of the House.) It is my firm belief that the party by which the present motion is supported throughout the country desire the repeal of the Catholic Emancipation Act. For what I say, I will give my reasons, which I think are unanswerable. In what other way, am I to explain the outcry which has been raised throughout the whole of the country about the three Papist Privy Councillors? Is the Catholic Emancipation Act to be maintained? If it is to be maintained, execute it. Is it to be abandoned? If so, openly and candidly avow it. If it is not to be executed, can anything be more absurd than to retain it upon the statute book? The Tory party resent as a monstrous calumny the imputation that they wish to get rid of the Emancipation Act; but the moment that an attempt is made to execute it, even to a small extent, they set up a cry as if Church and State were going to ruin. For the repeal of the Emancipation Act, I can see a reason—in the desire to repeal it, I see a meaning—a baneful meaning—a pernicious meaning, but still a meaning; but I cannot see a particle of reason nor a glimpse of meaning, in the conduct of those who say, "We will retain the Emancipation Act; those who say we desire to repeal it are calumniators and slanderers; we are as sensible of the importance of that Act as any party in the country," but who, the moment that an attempt is made to execute one jot or tittle of it, exclaim, "No, if you attempt to put the Act in force, we will agitate against you, for we, too, have our agitation; we will denounce you in our associations, for we, too, have our associations; our oracles shall be sent forth to talk of civil war, of rebellion, of resistance to the laws, and to give hints about the fate of James 2nd—to give hints that a Sovereign who has merely executed the law may be treated like a Sovereign who has most grossly violated the law." I could understand a person who told me, that he had a strong objection to admit Roman Catholics to power or office in England; but how any man who professes not to think, that an invidious distinction should be made between Catholic and Protestant, can bring himself to the persuasion that the Roman Catholics in this country enjoy more than a fair share of official power and emolument, I own passes my comprehension. What is the proportion of Roman Catholics to the whole population of the kingdom? About one fourth. What is the proportion of Roman Catholic Privy Councillors? Perhaps, three to two hundred. And what, after all, is the dignity of a Privy Councillor?—what power does the seat of a Privy Councillor, merely as such, confer? Are not the hon. Gentlemen opposite Privy Councillors? If a change of administration were effected to-morrow, and the right hon. Gentlemen opposite were to come into office, would not those whom they displaced, be still Privy Councillors? In point of fact, the seat of a Privy Councillor absolutely confers no power whatever. Yet, we are seriously called upon to believe, that men, who think it monstrous that this mere futile honorary distinction should be given to three Roman Catholics, do still in their hearts desire to maintain a law by which a Roman Catholic may become Commander-in-chief, with all the promotion of the army in his hands; First Lord of the Admiralty, with all the patronage of the navy—Secretary of State for the Foreign Department, entrusted with all the interests of the country, as connected with foreign states—Secretary for the Colonies, with the whole conduct of our remoter dependencies—or First Lord of the Treasury, possessing the chief influence in every department of the state. I say, therefore, that unless I suppose, that a great portion of the Opposition who have raised throughout England, the cry against the three Roman Catholic Privy Councillors—unless I suppose them more childish, more imbecile than I would willingly suppose any number of my fellow-countrymen to be, I must suspect that the abolition of the Catholic Emancipation Act, is the chief object of a great proportion of that party which now ranges itself in direct hostility to the Government. The right hon. Baronet (Sir R. Peel) is, in my opinion, the same that he was in 1829; but his party, instead of being the same is worse than it was at that period. The difficulty of governing Ireland, in opposition to the feelings of the great body of the people, is, I apprehend, now as great as ever it was. The right hon. Baronet, last year, was deeply impressed with that difficulty. The impossibility of governing Ireland in conformity with the sense of the great body of the people, and, at the same time in conformity with the views and opinions of his own followers, is now, I apprehend, as great as ever. What then, is to be the end of an Administration of which the right hon. Baronet, should be head? Supposing the right hon. Baronet to come into office by the vote to-night, should I be wrong if I were to prophecy that, three years hence, he would be more vilified by the Tory party, than the present Government has ever been? Should I be very wrong, if I were to prophecy, that all the literary organs of his party now forward to sound his praise, would be amongst the foremost, the boldest, and the loudest to denounce him? Should I be very wrong if I were to prophecy that he would be burnt in effigy by the very people who are now clamorous to toast his health? Should I be very wrong if I were to prophecy that the very party who now crowd the House to vote him into power, would then crowd the lobby to bring Lord Melbourne back? Yes, already have I seen the representatives of the Church, and of the Universities of England crowding the lobby of the House, for the purpose of driving the right hon. Baronet from the place to which they had previously raised him. I went out with them myself, when the whole body of the Tory Gentlemen—all the Representatives of the Church and of the Universities united to force the right hon. Baronet from the position which he occupied in the councils of his Sovereign. I went out into the lobby, as the right hon. Baronet, the Member for Pembroke (Sir James Graham), will bear me witness, when those Gentlemen went out for the purpose of bringing into power Lord Grey, Lord Althorp, Lord Brougham and Lord Durham. You may say, that they reasoned ill—perhaps they were weak —perhaps they did not see all that would happen. But so it was; and what has been once may be again. As far as I can see my way, it is absurd to suppose, that the party of which the right hon. Baronet is the head, would be content with less from him than they would take from Lord Melbourne. I believe just the contrary. I believe, that of all men in the world, the right hon. Baronet is most the object of distrust to the party opposite. They suffer him to remain at their head, because his great abilities, his eloquence, his influence are necessary to them; but they distrust him, because they never can forget that in the greatest crisis of his public life, he chose rather to be the victim of their injustice than to be its instrument. It is absurd to say, that that party will never be propitiated by any partition amongst their chiefs of the power or fruits of office. They can truly adopt the maxim, "measures not men." They care not who has the sword of state borne before him at Dublin—they list not who wears the badge of Saint Patrick on his breast—what they dislike, what they are invincibly opposed to, are the two great principles which had governed the administrations of Lord Normanby and Lord Ebrington—justice and mercy. What they want is not Lord Haddington, or any other nobleman of their own party whom the right hon. Baronet (Sir Robert Peel) might appoint the Viceroyalty of Ireland; but the tyranny of race over race, and creed over creed. Give them this power, and you convulse the empire; withhold it, and you break up the Tory party. Supposing the vote of to-night to be carried in the affirmative, the right hon. Baronet (Sir R. Peel) would not be a month in office before the dilemma of 1829 would be again before him. With every respect for his intentions, with the highest opinion of his ability, I believe that at this moment it would be utterly impossible for him to head the Administration of this country without producing the most dreadful calamities to Ireland. Of this I believe he was himself sensible when he was last year called upon to form an Administration. The state of the empire was not at that time very cheering. The Chartists were abroad in England—the aspect of Canadian affairs was not pleasing—an expedition was pending in the East which had not then ended in success—discontent prevailed in the West Indies. Yet, in the midst of all these troubles, the discerning eye of the right hon. Baronet left him in no doubt as to the quarter in which his real danger lay—he knew 'twas Ireland. The right hon. Baronet admitted that his great difficulty would be in the government of Ireland. I believe that the present Ministry possesses the confidence of the great body of the people of Ireland; and I believe that what it does for the people of Ireland, it can do with less irritation from the opposite party in England, than the right hon. Baronet would find it possible to do. I believe that if, with the best and purest intentions, the right hon. Baronet were to undertake the Government of this country, he would find that it was very easy indeed to lose the confidence of the party which raised him to power; but very difficult indeed to gain that which the present Government happily possessed —the confidence of the people of Ireland. It is upon these grounds, and principally upon the question of Ireland, that I should be inclined to rest the case of the present Ministry. I know well, how little chance there is of finding here or anywhere an unprejudiced audience upon this subject. Would to God that I were speaking to an audience that would judge this great controversy fairly and with an unbiassed mind, and as it will be judged by future ages. The passions which inflame us—the sophistries which delude us, will not last for ever. The paroxysms of faction have their appointed season, even the madness of fanaticism is but for a day. The time is coming when our conflicts will be to others as the conflicts of our forefathers are to us; when our priests who convulse the State—our politicians who make a stalking horse of the Church, will be no more than the Harleys and Sacheverells of a by-gone day; and when will be told, in a language very different from that which now draws forth applause at Exeter Hall, the story of these troubled years. Then it will be said that there was a portion of the empire which presented a striking contrast to a portion of the rest. Not that it was doomed to sterility, for the soil was fruitful and well watered—not that it wanted facilities for commerce and trade, for its coasts abounded in havens marked by nature to be the marts of the whole world—not that the people were too proud to improve these advantages or too pusillanimous to defend them, for in endurance of toil and gallantry of spirit they were conspicuous amongst the nations—but the bounty of nature was rendered unavailable from the tyranny of man. In the twelfth century this fair country was a conquered province, the nineteenth found it a conquered province still. During the interval many great changes took place in other parts of the empire, conducing in the highest degree to the happiness and welfare of mankind; but to Ireland they brought only aggravation and misery. The Reformation came, bringing with it the blessings of Divine truth and intellectual liberty. To Ireland it brought only religious animosity, to add flame and fuel to the heats of national animosity, and to give, in the name of "Papist," another war-cry to animate the struggle between England and Ireland. The Revolution came, bringing to England and Scotland civil and religious liberty—to Ireland it brought only persecution and degradation. In 1829 came Catholic Emancipation, but it came too late, and came too ungraciously—it came as a concession made to fear; it was not followed nor accompanied by a suitable line of policy. It had excited many hopes—it was followed by disappointment. Then came irritation and a host of perils on both sides. If agitation produced coercion, coercion gave rise to fresh agitation: the difficulties and danger of the country thickened on every hand, until at length arose a Government which, all other means having failed, determined to try the only means that have never yet been fairly and fully applied to Ireland—humanity and justice. The State, so long the step-mother of the many, and the mother only of the few, became now the common parent of all the great family. The great body of the people began to look upon the Government as a kind and beneficent parent. Battalion after battalion—squadron after squadron—was withdrawn from the shores of Ireland; yet every day property became more secure, and order more manifest. Such symptoms as cannot be counterfeited—such as cannot be disguised—began to appear; and those who once despaired of that great portion of the commonwealth, began to entertain a confident hope that it would at length take its place among the nations of Europe, and assume that position to which it is entitled by its own natural resources, and by the wit and talent of its children. This, I feel, the history of the present Government of Ireland will one day prove. Let it thus go on; and then, as far as I am concerned, I care not what the end of this debate may be, or whether we stand or fall. That question it remains with the House to decide. Whether the result will be victory or defeat I know not; but I know that there are defeats not less glorious than even victory itself; and yet I have seen and I have shared in some glorious victories. Those were proud and happy days—even my right hon. Friend who last addressed you will remember them;—those were proud and happy days when, amidst the praises and blessings of millions, my noble Friend led us on in the great struggle for the Reform Bill—when hundreds waited around our doors till sun-rise to hear the tidings of our success—and when the great cities of the empire poured forth their populations on the highways to meet the mails that were bringing from the capital the tidings whether the battle of the people was lost or won. Those days were such days as my noble Friend cannot hope to see again. Two such triumphs would be too much for one life. But, perhaps, there still awaits him a less pleasing, a less exhilarating, but not a less honourable task, the task of contending against superior numbers, through years of discomfiture, to maintain those civil liberties—those rights of conscience which are inseparably associated with the name of his illustrious house. At his side will not be wanting men who, against all odds, and through all the turns of fortune, amidst evil days and evil tongues, will defend to the last, with unabated spirit, the noble principles of Milton and Locke. He may be driven from office—he may be doomed to a life of opposition—he may be made the mark for all the rancour of sects which may hate each other with a deadly hate, yet hate his toleration more—he may be exposed to the fury of a Laud on one side, and to the fanaticism of a Praise-God-Barebones—but a portion of the praise which we bestow on the old martyrs and champions of freedom will not be refused by posterity to those who have, in these our days, endeavoured to bind together in real union, sects and races, too long hostile to each other, and to efface, by the mild influence of a parental Government, the fearful traces which have been felt by the misrule of ages.

Debate again adjourned.

HOUSE OF COMMONS,

Thursday, January 30, 1840.

Minutes.] Bill. Read a first time:—Prince Albert's Annuity.

Petitions presented. By Messrs. Bridgeman, E. Roche, J. Grattan, O'Connell, and W. S. O'Brien, from a number of places in Ireland, for an Extension of the Franchise, and Corporate Reform.—By Mr. F. French, from a Medical Association in Ireland, for Medical Reform.—By Sir John Yarde Buller, from three places, against any further Grant to Maynooth College.—By Sir John Yarde Buller, and Mr. Plumptre, from several places, for Church Extension.—By Mr. Baines, from four places, for the Abolition of Church Rates, Reform of the Ecclesiastical Courts, and for the Liberation of John Thorogood.

Confidence in the Ministry—Adjourned Debate—(Third Night)]. The Order of the Day for resuming the adjourned debate on the vote of want of confidence in her Majesty's Government having been read,

Viscount *Powerscourt* addressed the House. If he were to refer to the speeches delivered last night, he should say, that her Majesty's Ministers must be most peculiarly alive to the truth of an old adage, the exact terms of which he could not at that moment call to mind, but which went to this effect—that it was comparatively easy for a man to defend himself against his enemies, but that he required supernatural aid to guard him against his friends. He considered, of all the speeches that had been delivered upon the important subject which now occupied the attention of the House, that the two speeches, which were more than any other likely to be mischievous to the interests and views of her Majesty's Government, were the two principal speeches which came from their own side of the House last night—the speech of the noble Lord the Member for Northumberland (Lord Howick), and the speech of the right hon. Gentleman who closed last night's debate (Mr. Macaulay). If the noble Lord had been in his place, he should have congratulated him most sincerely upon the bold and manly manner in which he avowed the reasons for which he thought it necessary to resign his place in the Government. He should have congratulated the noble Lord upon his avowal, that it was not from any petty or personal motive, or from disappointed ambition, but that he took that step from purely public grounds. He might congratulate hon. Gentlemen opposite on the support of the noble Lord, coupled, as i had been, with a speech which must inevitably injure them most deeply. With regard to the other speech to which he had alluded, and to which he would but briefly refer, he must say that it was a new thing, and, in his opinion, a most ominous thing, for a member of the cabinet to come down to that House, and boldly and openly declare, that he upheld and admired that system of agitation, to which the country owed all the evils it was now labouring under. He thought it was a new thing, and altogether an unprecedented thing, for a cabinet minister to come down to the House, and speak in terms of disparagement of the high and honourable office of a privy councillor; in terms which expressed that that high and honourable office was merely an empty name, and a nominal title of distinction. It appeared to him to be a new and anomalous thing for a cabinet minister to rise in his place in Parliament, ostensibly for the purpose of answering a number of serious charges brought against the administration of which he was a member, by the right hon. Baronet, the Member for Pembroke, and instead of alluding in the most distant manner to any one of those charges, to fly off and talk about the Reformation — about some nondescript animal, half Roundhead, half Cavalier—about the times of Milton and Locke, and fifty other things, which had no more to do with the matter in hand, than if he had talked of the sudden death of King Rufus, or, with his powers of declamation, had entertained the House with a panegyric upon the heroic deeds of King Alfred. It was extraordinary that the right hon. Gentleman should have concluded his speech, which was evidently most carefully digested—though he would not call it a speech, but an elaborate essay—it was extraordinary that the right hon. Gentleman should have concluded it by advising hon. Gentlemen on the Opposition side of the House to act, in the present conjuncture, as foreign nations would have done, if they had been placed in a similar situation. But quitting those speeches, he would proceed to the subject before the House. He rejoiced at the opportunity of expressing his cordial support of the motion of his hon. Friend, the Member for Devonshire. It was a motion which, he was convinced, whatever might be its fate, would meet with the approbation of all thinking classes. He believed he spoke the sentiments of the great constituency that he represented, when he stated, that the present state of the country required a strong government—a government which would unite the suffrages of men of influence and education—a government which would combine the good wishes and energies of both Houses of Parliament—a government composed of men who sought not office, but who were sought by the country to fill office—a government of men, who would rather shun as far as they were concerned, the cares and anxieties of office, and who had shown through the general tenor of their political life, that they were in no hurry to receive office, and by the forbearance of their proceedings, with regard to their opponents, that they had nothing but the welfare of their country at heart—men who, by their talent, influence, and character, were fit to preside in the councils of the Sovereign. The present course of affairs as he had before said, required a strong government, and when he came down to that House, at the commencement of the debate, he confessed that he thought no individual on the other side of the House would have had the hardihood to assert that the present Government was entitled to that designation. He was satisfied that a weaker or a more inefficient government never presided over the destinies of a great nation than the present. It could not be denied that the voluntary principle was the principle upon which the government of the country was carried on; but the time had not as yet arrived at the extreme point of asserting that principle in so many words. With respect to the policy of the government, with regard to the Church, he knew there were some among them, who declared an adhesion to the Protestant establishments of the country; but that adhesion was given in such a manner, so sleepy and apathetic, that, so far from strengthening, they actually paralyzed the energies of their supporters, who were almost persuaded to believe that there was something to be ashamed of in the cause they professed to advance — so reluctant were they to avow their attachment to it. They knew full well that to desert the Church openly was to surrender the possession of power. They knew that the English people would not tolerate for a moment a set of men who would be guilty of such conduct. But there was a party small in influence, and in the possession of but a few votes in that House, and perfectly free themselves from all reference or influence with regard to religion; these men, backed by a strong Roman Catholic party, formed a phalanx without whose support it was impossible for her Majesty's Ministers to maintain their seats for an instant. They, without the most distant intention whatever (he was ready to admit) of gratifying the wishes of that strong party, carefully abstained from all outward expressions of their secret opinions in favour of the Church, but they hesitated not to give to that party all the increased weight of their expressive silence. Because if they openly professed their adhesion to that Church, they would run the risk of of offending that portion of their supporters who scoffed at all religion, while if they inserted the word "Protestant" into any of their state documents, they would offend the ears of that numerous body who, if they were sincere disciples of the religion they professed, must ardently desire the abolition of Protestantism. The voice of the country called for men to assume the reins of Government who would not be ashamed to announce their principles of religion, who would truckle not to any party, but who would manfully assert in a straight forward manner the principles of their policy—without turning to the right or the left to pick up a stray vote; who were determined to stand or fall, not by the precarious support of a party with whom they held nothing in common, but on those talents which the administration of the affairs of a great nation demanded, and on the general soundness of their principles, and their practical usefulness as statesmen. This was their policy with regard to the Church; but he considered their conduct in State affairs was even still more culpable. They designated by the names of forbearance and generosity a course of policy which was nothing less than despicable weakness and culpable neglect. He was not about to allude, except in passing, to the speech of the noble Lord, the Secretary for the Colonies, at Liverpool, or to that of the Attorney-general at Edinburgh, which had been so ably commented upon last night. He did, however, think it was an unworthy and an undignified circumstance on the part of a Minister of the Crown to emulate the conduct of an honourable Gentleman in Ireland, by going on an agitating tour through the country. There was one part of the speech of the noble Lord which he would allude to—that was, his boast of a paltry economy in the secret service money. He wondered whether the noble Lord, when he made that boast, contemplated his coming to the House with the extravagant demand with which he came down a few nights ago? He wondered whether it ever struck him, when he boasted of that paltry economy, that a judicious expenditure of a few pounds of that money might have saved the lives of many of those who fell at Newport, by obtaining for him a timely warning of the danger which was intended. There was another matter to which he should refer; and, although it had already been called a trifling matter, he begged leave to say, though hon. Members opposite might laugh at it, that that was no trifle which involved an important principle of Government. The present Lord-lieutenant, when he first went over to Ireland, was allowed to play the game of conciliation; but when all parties were hoping to find a temporary cessation, at least, of party rancour, and when, as the Lord-lieutenant would himself confess, he had received a most general and a most generous support from all his political opponents, he suddenly turned round upon them and showed the real principles upon which his government in future would be conducted, by inviting to his intimacy and to his hospitality, the hon. Gentleman who, for the three weeks previous to his receiving that ostentatious compliment from the representative of the Queen, not in one speech only, nor in two speeches only, but every day during those three weeks, had been loading with the most scurrilous calumnies, and assailing with the most unfounded and most unjustifiable abuse, and in the most unwarrantable terms, not only all that was good and virtuous in the land, but even the most valuable, and most sacred institutions of the country. These things might be called trifles, he could not tell whether they were or not, but he held them as demonstrations of principles on the part of her Majesty's Ministers. But he asked, what was the reason for this display of fellow-feeling and approbation on the part of Lord Ebrington? It was, that the learned Gentleman, by means which his own conscience must justify, had attained a power in the state hitherto unenjoyed by any other individual, a power so extensive as to be most dangerous to the state, and which, so far from receiving favour from any Government, deserved the contrary, and ought to have been most seriously and steadily discountenanced. He was now about to state the position of that learned Gentleman in the House, but none could doubt it was a very great one. The hon. Gentleman could look before him and around him, and see everywhere men of the greatest wealth, the highest talent—aye, even of ancient rank, who held their stations in the House at his sovereign will. He might turn on one side of him and see the hon. Gentleman, once the independent Member for the county of Middlesex, the bugbear of the Treasury benches, the festering thorn in the side of each succeeding Chancellor of the Exchequer, and once the head of a respectable party in the House, reduced to the necessity of receiving rank among his satellites. No doubt, too, the learned Gentleman might reflect, that there were many in that House whose names, by the force of his influence, would go down to posterity, the candidates for fame, in having supported a Government which, but for his upholding hand, must with them have mouldered into dust. It could not be denied that this was a proud position. But was this a power that should receive homage from any Government? a power which nearly approached to the absolutism of the imperial sway—a power which exceeded, nay almost superseded, the authority of the Crown in one important and integral part of the empire. Was it to be borne that the learned Member should have sixty seats in that House so entirely at his disposal as to be able to send these persons, utterly unknown to their constituents till they arrive there? And, indeed, if the boast of a priest at an election for the county of Meath were to be relied upon, he could as easily return cabbage-stocks to that House. Power such as that must be fatal to the peace of the empire in the hands of any individual, but in the hands of one who was continually raving at all our best institutions—who was the sworn foe of the Protestant Church in Ireland—who had agitated, and who again threatened the agitation of the repeal of the Union, which would be the dismemberment of the empire who lost no opportunity of attacking private character—who to-day praised the man to the skies whom to-morrow he loaded with execrations—in the hands of such a man this power must be so dangerous that it should be the object of every Government that wished to maintain order and peace, and to uphold the dignity of the laws—to discountenance and discourage, and run every risk of defeat, rather then lend to it all the increased moral weight which their own exalted stations and important trusts must carry with them. He was not now about to dilate upon any of the other important topics on which, in his opinion, the present Government was open to censure. He had already trespassed too long upon the time of the House, but he could not sit down without taking a cursory view of the various difficulties of the country that were arrayed before them. They had, in the first place, an extensive Chartist conspiracy breaking out all over the kingdom; they had, in the second place, a Ribbon conspiracy, of a similar nature and similarly organised, in Ireland; and they had also a system of agitation kept alive in that country, which, like the effect of unwholesome excitement upon the human frame, tended to nothing but exhaustion and decay. They had numerous colonies; and mark—such in fact was their condition, that a state of discontent was a state of comparative tranquillity; some were discontented only, while some were in an utter state of disorganization which could only be subdued by force. If they looked abroad they saw that empire which had been the scene of a late military triumph, but which those who knew most about it declared would be a very short-lived triumph, in an equally precarious state. That empire, composed as it was of a number of petty states, partly independent of each other, was only waiting the signal from some foreign power to fall to pieces, like a string of beads when the thread that held them together was cut. They had a prospect of a war in the East, and were in an imminently exposed state at their own doors, being liable to be disturbed by the introduction of the Russian sword or of the French bayonet into the scales of their adversary. And what was worse, they had financial embarrassments at home; and to crown the whole, it was ridiculous to deny it, they had a Government which could not pass a single measure through Parliament except upon sufferance—a Government distinguished by no peculiar talent, or remarkable ability—unillumined by one ray of genius, and unsupported even by the common attributes of a straight-forward and dogged and plodding industry. Their only characteristic was an aptitude at dexterous manœuvring; and even their efforts in that way were directed not to stem the torrent, but to keep their heads barely above the surface, and to float listlessly on its troubled waters. And now, their last resource was in the personal favour of the Crown, whose illustrious wearer was unfortunately so inexperienced and uninformed in state affairs, that she was altogether incapable of seeing or of knowing anything of the impending danger to which her kingdom was exposed, beyond what her own incompetent advisers might be pleased to communicate to her. With all these things staring him in the face, he had no hesitation in saying, whatever the fate of this motion might be now, that in spite of a limping majority, dwindling from day to day, and none knew how composed—in spite of a specious and accommodating system of open questions, and of those uncertain and contradictory evasions which rendered it impossible for friend or foe to say what from day to day they would put forth, the doom of the administration was sealed. They had been weighed in the balance and found wanting. The voice of the public had condemned them, and would push them from their stools, and send those in their places whose principles were in accordance with the principles of the constitution, and whose talents were adequate to the emergency of the times.

Mr. *Fox Maule.*—When the noble Lord came down to this House to accuse my right hon. Friend, Mr. Macauley, of delivering last night what he termed an essay, I certainly expected to have heard from the noble Lord some more extemporaneous reply to what had fallen in debate on this question than he has given them. For I can not but remark that many of the points in the noble Lord's speech were directed to an individual whom the noble Lord evidently expected to see sitting in his place, but who unfortunately was absent. In what I shall address to the House upon this question, I feel that I must claim your indulgence, because my task will be one of mere matter of detail, which will neces sarily be of a drier nature than those remarks that are usually made to the House, and which are more consonant to the feelings of both sides. But before I address myself to these subjects to which it will be my duty to advert, I wish to make one or two observations upon what has fallen from the noble Lord. The noble Lord has attacked my right hon. Friend, for stating in his place, as a Minister of the Crown, his opinion upon the subject of agitation. Now I cannot think that the noble Lord has read my right hon. Friend's speech; if he has, he will see there the views taken by my right hon. Friend are not entitled to be described as affording encouragement on the part of Ministers to the people of this country to continue a system of agitation, in the noble Lord's acceptance of the term. The noble Lord has also attacked my right hon. Friend for speaking in disparagement of the office of a Privy Councillor. That was a delicate ground for the noble Lord, while sitting near the right hon. Gentleman who spoke last night (Sir James Graham) to touch upon. The noble Lord may not possibly have read the speech of the right hon. Baronet to which I refer; but if he has, I think the noble Lord will at least admit that the description given by my right hon. Friend of the office of a Privy Councillor, was at least better by many degrees than the remarks made by the right hon. Baronet the Member for Pembroke (Sir J. Graham) upon the same subject. With regard to the opinion which the noble Lord has expressed as to the feelings of the public in respect of the conduct of her Majesty's Ministers, that is a mere abstract assertion on his part. That is a question which will be decided by the public out of doors, to which I, with the noble Lord, am willing to refer. The noble Lord has also been pleased to attack her Majesty's Government as being the enemies of the Established Church; not that he can produce one single measure which her Majesty's Government had ever countenanced as tending to injure that Church—not that he can produce any measure of that description—while I can adduce various measures which have been passed in this House by the present Government on the subject of the Church, every one of which tends to confirm and strengthen the basis upon which it is founded, by removing from it many abuses, and thereby fixing it more and more in the opinions and feelings of the public. The other topic which had been referred to, the insertion of the word "Protestant" into the address, I will leave to be decided between the noble Lord and the right hon. Gentleman the Member for Tamworth; because, when the question of the address was before the House, although the hon. Baronet the Member for Oxford bewailed the loss of the word, and although the right hon. Gentleman, the leader of the party in this House, addressed the House upon that occasion, and although the noble Duke, the leader of the party in the other House, had inserted the word in another place, yet the right hon. Gentleman did not venture to move any amendment, whether from fear of not obtaining the acquiescence of hon. Members in the House, or from the fear of obloquy out of doors, I do not know; yet he did not venture to give to the hon. Member for Oxford any support to his proposal. The noble Lord had alluded to the visit of the Secretary of State (Lord J. Russell) to Liverpool, and had designated it as the agitating tour of a Minister of England! The agitating tour of a Minister of England! What! was the Secretary of State for the Home Department to be debarred from visiting one of the great sources of commercial wealth, not in his public capacity, but in his private character? If a Minister of the Crown, whilst visiting a most important part of the country, is to be told that he is on a tour of agitation, I pity the hon. Gentlemen opposite, who would deny to any Minister the privilege of hearing with his own ears, and seeing with his own eyes, what was passing in that country, the internal affairs of which were under his control. All the rest of the noble Lord's speech referred to the affairs of Ireland. The dinner table of the Lord-lieutenant has been again served up, and other matters have been mentioned in connection with Ireland; but I shall leave these matters to be discussed by other hon. Members more immediately connected with that country. The principal reason of my rising is to meet, as far as I can, some remarks which have fallen from the hon. Gentleman opposite, with regard to the internal policy pursued by her Majesty's Government in this country. The first point of attack on that subject against my noble Friend has been the appointment of Magistrates under the Municipal Corporation Act, and to that point I shall first address myself. They perfectly well knows that when the English Municipal Corporation Bill was first introduced into this House, it contained a clause in which the opinions of the noble Lord were openly and boldly stated; it was proposed by the Bill to give to the Members of the Town Councils the power of recommending to the Crown such persons as they might think proper to be appointed to fill the office of Magistrate in those boroughs. That clause was struck out, and eventually the Bill was passed without it. But did not my noble Friend state to the House that he should still continue to act on the same principle? Did not my noble Friend say so? All I ask is a answer in the affirmative; and since it is admitted that the noble Lord had said so, he accepted the admission in proof that my noble Friend had acted in consistency with his declared opinion. But after the passing of the Municipal Corporation Act it became necessary to appoint Magistrates for those various towns. You have heard much of the manner in which the noble Lord has betrayed the trust which he held as Minister of the Crown. It is easy to deal in generalities, but it is not so easy to lay one's finger on particular instances of abuse. Such has been the case on the present occasion. The House was not perhaps aware of the number of Magistrates appointed after the passing of the Municipal Bill by the noble Lord. That number amounted to upwards of a 1000, and out of that 1000 appointed to administer justice in the various Municipal towns of the country, not one single complaint has ever been made in this House, save to the two names which had been alluded to in the course of the debate. The first regarded that unhappy man Mr. Frost, and the next related to the appointment for Birmingham. With both of those cases I will presently proceed to deal. Out of the number of Magistrates so appointed, none have been removed for misconduct, save the unfortunate individual to whom I have referred: and out of the entire number, twenty-three only have resigned their commissions, and those twenty-three have done so for the most part, because they found their duties as magistrates interfered with their business. I thought that if it had been proved, or if the fact were true, that my noble Friend had not paid proper attention to the appointment of persons who were to administer justice on those local benches in a way in which the people could confide, and from which they might derive a proper and fair administration of the law, there were plenty of opponents to the Government in that House, through whom complaints would have found their way to the public, and I am convinced that no topic could be more satisfactory to hon. Members opposite to bring forward. I am, therefore, justified in saying that it is to the absence, and to the want of such a topic, and not the absence of any will to make use of it, and that it had not been urged. With respect to the case of Mr. Frost, I have this to say, that when the appointment of Municipal Magistrates took place, my noble Friend invited the opinions of the Town-Councils as to what individuals should compose the bench of magistrates in their respective localities. That not only was the fact which I do not mean to deny, but I mean to defend it, for I think that I can show that my noble Friend has pursued the fit, the proper, and the decorous course, a course which was well calculated to obtain from the inhabitants of those towns a greater respect for the law, because they would find it administered with impartiality and with integrity by those in whom they have confidence. When those appointments took place, a recommendation, came from the town of Newport containing the names of two gentlemen, Mr. Brewer and Mr. Frost. My noble Friend received, shortly after the recommendation a statement in objection to Mr. Frost's appointment. My noble Friend consulted those in whom he placed confidence on the subject. He consulted the Lord-lieutenant of the county, whether, in his opinion, Mr. Frost might or might not, with propriety, be made a magistrate; the answer from the Lord-lieutenant was that he knew no reason why such should not be the case, and consequently my noble Friend appointed the two gentlemen recommended by the Town Council, the one being Mr. Brewer, a strong political opponent of her Majesty's Government, and the other Mr. Frost, of whom, notwithstanding the insinuation to the contrary, and although his situation is now one of the most unhappy that could exist, yet he must say that up to the time of his dismissal he had, in his office of magistrate, shown neither partiality nor favour, and that he had never heard that he had administered justice improperly. But Mr. Frost betook himself to other courses; he took part in meetings at which speeches were made by himself and others, which as soon as they came to the ears of her Majesty's Government appeared to them at once to render Mr. Frost, if guilty of the charges brought against him, unworthy to retain her Majesty's commission. It may be objected to my noble Friend that he did not dismiss Mr. Frost, on the first information being received, from the Commission of the Peace. That may be the justice of the hon. Gentleman opposite; but it is the custom of my noble Friend upon those occasions to make inquiry, and to give the party an opportunity of being heard before he is condemned. That opportunity was given to Mr. Frost, on the 16th January, 1839; but Mr. Frost failed to answer the inquiry satisfactorily, and was removed from the Commission of the Peace. This is the single statement which I have to make with regard to the appointment and to the removal of Mr. Frost. I now come to the name of Mr. Muntz, and my attention was drawn to it by the right hon. Gentleman, the Member for Pembroke, in these terms: "But another individual was appointed, for whose appointment I have not heard a single word of apology." It is not my intention to offer one word of apology. I am prepared to maintain, not only that the appointment of Mr. Muntz was originally proper, but that it has turned out one of the best appointments that could have been made for the town of Birmingham, so far as the preservation of the peace of that town is concerned. It was urged in the statement of the right hon. Baronet, that Mr. Muntz was a delegate of the National Convention—that he was Treasurer of the Chartist fund—or that he had been the trustee of that fund. Now, what the right hon. Gentleman had stated with reference to Mr. Muntz was true in the abstract but false in the inference. It is perfectly true that Mr. Muntz had been a delegate to the National Convention; but what is the fact? Mr. Muntz was elected to the National Convention without his consent; he had never attended, and he had at once withdrawn his name. The right hon. Gentleman received the admission that Mr. Muntz was so elected with a sneer; but he was never recognised by that body as a member. But then he was a trustee of the Chartists' fund. Again, this is true in the abstract, but not in the substance. Mr. Muntz, and his brother, the present Member for Birmingham, were both trustees of the fund. 600*l.* were placed in their names in the bank of Messrs. Grote, Prescott, and Co. The first step which the Messrs. Muntz took was to sign a check upon the bankers, transferring the amount to other names, and refusing to be the trustees to such a fund. Then it was said that Mr. Muntz was the Vice-President of the Political Union. That is true; he was the Vice-President of the Political Union, and he was the Vice-President when he was made a magistrate. Was this an objection in the right hon. Gentleman's eyes? Was this an objection to Mr. Muntz being placed in the Commission of the Peace for the town of Birmingham? If so, why did not the right hon. Gentleman object to the Government of Lord Grey, of which the right hon. Gentleman was a member, when it placed Mr. Attwood, who was the President of the Political Union, in the Commission of the Peace for the County of Warwick? If the right hon. Gentleman was not aware of the appointment, it only proved that he did not take the same pains to enquire into the particulars of his own Government as he did into the Government of others. But I will go further, and will say that the appointment of Mr. Muntz is a credit instead of a discredit to the Government. Did the right hon. Baronet know this gentleman? Who is Mr. Muntz? He is one among the best educated men in Birmingham—not only has he received a good education at home, but he has travelled much abroad; he has been two years for the acquirement of knowledge in Germany, and, in addition to being a polished scholar, he was deeply interested in the trade of Birmingham—he employs several hundred workmen in a manufactory at Birmingham. He had been also a very active magistrate since his appointment. I happened to meet the Commissioner of Police at Birmingham, and asked him, "What, from your observation, has been Mr. Muntz's conduct as a magistrate, since you have had the control of the Police?" and I was told, without hesitation, that there was no magistrate from whom the commissioner had received greater support, nor one who could be more speedily resorted to, or was more willing to give advice. One word more, and it will be all upon this point. Had Mr. Muntz's conduct as a magistrate ingratiated him with the party with which the right hon. Gentleman has mixed him up—the Chartists? What had taken place at the election which was held a few days ago? So far from the brother of Mr. Muntz being supported by the Chartists, two of the leading Chartists, who were of the council, had voted for Sir Charles Wetherell. Not only so, but a leading member of the body, but who was not of the council, who rejoiced in the singular name of Bradshaw, voted for Sir Charles Wetherell in preference to Mr. Muntz. I think, therefore, that I have given to the House and to the public a sufficient defence of the appointment of Mr. Muntz to the magistracy. These are the only two cases which have been brought forward against my noble Friend in his appointments to the Commission of the Peace. When any other cases shall arise, I will be both ready and happy to meet them, and if any hon. Gentleman is willing to make a distinct motion upon the whole matter of all the appointments, I will undertake to convince the House, and the people of England, that so far from having abused the patronage of the Crown in the administration of justice, my noble Friend has appointed such persons to the bench of magistrates in the different towns as had been useful to their fellow-townsmen, as were a credit to the bench on which they had been placed, and had shown that impartial spirit of justice which was required of them. Having thus disposed of two cases, I will come now to the great question of the existence of Chartism itself. It was bandied about as a charge from one side of the House to the other. First, they were charged with fostering it, and next they recriminated the charge on hon. Gentlemen opposite. Now, I do not want to make any charge that I cannot maintain; but I must say that, although hon. Gentlemen might be unconnected with Chartism, yet that they were not unconnected with the consequences which followed the prominence of Chartism. I have traced, as far as I can, the origin of Chartism. It had its public birth in the summer of 1837, at a meeting of the Working Men's Association, held at the Crown and Anchor Tavern, in the Strand, at which resolutions were passed in favour of Universal Suffrage. Some parts of the Charter were then adopted. When it was adopted by the Political Union of Birmingham I do not exactly know. [Sir *James Graham:* The 11th of August, 1838.] I thank the right hon. Baronet. That, then, was the date of the adoption of the Charter at Birmingham; and six weeks afterwards, at the end of the month of September several speeches were made, in which expressions were used, and opinions savouring of disaffection were avowed, and dangerous sentiments pronounced. On looking back, I find that there was no alarm existing in the country with reference to Chartism, till the beginning of November, 1838; and the Government have been accused of neglecting the information which was then, and which has been since afforded to it, and by its inertness and inactivity, encouraging the growth of that of which I, in common with every Member of the House, and in common with the bulk of the people, deplore the existence. In the month of November, 1838, the first intimation was given to the Home Office of the disturbances and seditious meetings in the northern districts. I forbear to mention the names, but they are immaterial. In November, 1838, a variety of correspondence was sent to the magistrates from the Home Office, in answer to the communications which were then made, informing the magistrates how to act, and calling upon them to act with promptitude. On no one occasion since that time can the magistracy complain of having failed to receive from the noble Lord, at present Secretary of State for the Home Department, or from the noble Lord now Secretary of State for the Colonies, the most direct aid, either by way of advice or of armed assistance, in any way that the magistrates might choose to ask. In December, 1838, torch-light meetings were held, and the Government thought it right to inform the whole public of their illegality, and to call upon the people at large, in the Queen's name, to put them down, and to assist in preventing such dangerous meetings. In December, 1838, this proclamation was issued on the subject of torch-light meetings. I am not sure, however, that these torch-light displays are to be attributed solely to the meetings in favour of Chartism: I think that they more concerned the discussions on the Poor-law than the discussions on the Charter. Now, I will show the first use that has been made in this country of any of that language which had hitherto been foreign, and which I hope will again be foreign, to British tongues. The first threat of "fire and dagger" was used by Oastler in agitation against the Poor-laws long before it was applied to the agitation of Chartism. It was prevalent in 1837, when the whole of the northern district and the West Riding of the county of York, in particular, was inflamed against the Poor-law. I wish, I sincerely wish, that I could absolve hon. Gentlemen opposite from the charge. I wish I could say that they, whilst they were canvassing in 1837, did not avail themselves of this popular cry to obtain the support which they would not otherwise have gained. I wish I could acquit them of the charge; but, looking at their organs of that day, I cannot so acquit them. After the year 1837 the language about the Poor-law continued to exist, and the moment Chartism was agitated in that country, that instant the opposition to the Poor-law and the support of the Charter, became, in the hands of Messrs. Oastler, Stephens, and Co., one common cause, and so they have been ever since. The hon. Member cheered. [Mr. *Liddell:* I admit it.] I think I recollect some language used in which the hon. Member himself talked of the murder of the Innocents, and other terms of a similar kind applied to the Poor-law. After 1837, then, the Chartists made common cause with the agitation against the Poor-law. But what have the Government done? In November, 1838, it advised the magistrates: in December, 1838, also there was added to the disturbed districts of the north a large increase of military force for the preservation of the public peace. They have endeavoured to preserve, and they have preserved, as far as they can, the public peace, and if they had not acted so, they would not have been entitled to ask for the confidence of this House. In January, 1839, the first reports of arming and training were made to the Home Department. In February or March organized meetings were reported to have been held at Nottingham, and that large bodies of men were training in the counties of Nottingham, Wilts, and Stafford. The same reports went on during the year 1839. During the whole of that year continued additions were made to the military force for the protection of the public peace, and the Government continued to watch vigilantly the public meetings that were taking place in the different districts. Did they want any further proof that the Government was not to blame for its inertness or inactivity? I will show the course which the law has taken since the commencement of 1839 upon this subject, and if I can demonstrate to the House and to the country, that without making any parade of coming down to ask for any extraordinary powers beyond the law, without spreading alarm in other districts, without resorting to any extraordinary course of severity, the disturbers of the public peace have not only been summoned to the bar of public justice but have been fairly punished; I think that I shall go far towards relieving the Government from the charge of any dereliction of its public duty, or of having given the slightest encouragement to outrage by its inertness and inactivity.—Since the commencement of the year 1839, I find that in the county of Chester twenty-three persons have been committed on various charges under the acts for preventing training and arming, and other charges arising out of Chartism. Of these, five were convicted and sentenced to eighteen months' imprisonment, and were now in gaol; two are imprisoned for a year, and fifteen were fined and discharged on giving sureties, making twenty-two convicted out of the twenty-three committed. In the county of Cumberland there have been two cases—one was of a trifling amount, and the party was imprisoned for six months, the other was fined and discharged. In Lancashire, no less than ninety-seven persons have been brought to justice. Of these, three have been sentenced to eighteen months' imprisonment, sixteen to a year's imprisonment, fifty-eight to imprisonment for six months, and three were fined and discharged; making in all eighty persons convicted out of the ninety-seven charges brought against them—charges preferred by the Crown directly or the local magistrates. A summary of the whole kingdom shews, that since the commencement of the year 1839, the following number of persons have been committed for trial, charged with high treason, unlawfully drilling and training, unlawfully possessing arms, seditious language and libel, seditions, conspiracy, and riots:—

	Total.	Death.	Seven Years' Transportation	Eighteen Months' Imprisonment.	One Year & above Six Months.	Six Months and under.	Fined and Discharged on Sureties.	Total convicted.
Chester	23	..	..	5	2	..	15	22
Cumberland	2	..	..	..	..	1	1	2
Lancaster	97	..	..	3	16	58	3	80
Monmouth	58	8	..	..	6	17	10	41
Montgomery	43	..	3	..	4	31	2	40
Northumberland	5	..	..	1	1	1	..	3
Nottingham	12	..	..	..	8	4	..	12
Warwick	29	4	..	5	4	5	3	21
Wilts	11	..	..	..	..	3	5	8
Worcester	3	..	..	..	..	3	..	3
York	7	..	..	..	..	..	..	..
Total	290	12	3	14	41	123	39	232

So that, out of the whole number of 290 persons committed, the juries have convicted 232. Among those now undergoing imprisonment on charges following Chartist movements, are the following Chartist leaders, many of them members of the late Convention:—P. M. M'Douall, and J. R. Stephens, in Chester; Vincent, Edwards, Dickinson, Townsend, Frost, Jones, and Williams, in Monmouth; and Lovett and Collins, in Warwick. Prosecutions are still pending against Feargus O'Connor and Taylor. I think that when I have stated this, and when I lay this before the House and the public, I have a right to say, that, without asking for any extraordinary power, but relying upon the laws themselves, relying upon the good feelings of juries, relying upon the justice of the cause, and abstaining from making any unusual demand, her Majesty's Government has not only not neglected their duty, but have maintained to the very best of their power the public peace. True it is that they have not been able to put down Chartism. That I admit; but wherever the magistrates have claimed assistance, it has been readily granted; wherever the inhabitants have experienced alarm, they have given protection. They might have partially failed, but I will put it to the House to say, after the statements I have made, whether they had allowed the advance of Chartism, by leaving any part of the country in which it had broken out, there unprotected by a military force, or by the presence of a military force in the shortest possible time. I have drawn the attention of the House to the number of convictions that have been made by juries for this purpose, among others of justifying their reliance upon the loyalty and integrity of those who composed that body. Let them look back for a comparison to a similar time under a Tory Government. Let them look back to the year 1817. In comparing the state of the country in 1817, with the state of the country now, it gives me satisfaction to think that however bad they might now be, they still were not in so dangerous a state now as they were then, and I trust that the returning good sense of the people, seeing as they must do that punishment is falling upon those who have contravened the law, will enable me in a short time to say that such a state of things as in 1817 was not likely to occur now. The Government of 1817 came down to the House for extraordinary powers. They came down to Parliament for the Six Acts. The 19th Chapter of the 57th Geo. III., under the pretence of being an Act for the more effectual prevention of seditious meetings, was in effect an Act passed for the purpose of suppressing public discussion altogether. Not content with these powers, they applied for the most extraordinary powers which that House could give to any Government—they applied for and obtained a suspension of the *Habeus Corpus*. God forbid we should ever live in times when a necessity for such a step should exist! As far as I can form an opinion of the circumstances which gave rise to that course, I must say that I look upon it as having been a most unnecessary and extraordinary stretch of the powers of the Government. They nevertheless rather defeated than advanced their own object; for they alarmed the country in a very great degree—they shook the confidence of the public—and they moreover held up to the country the most undesirable spectacle of bringing numbers of state prisoners to trial, against whom, either from the weakness of the charges or from some other cause, no convictions were obtained. I allude more particularly to the trials which took place at York, in August, 1817; of twenty-four persons against whom the Government Solicitor was instructed to institute prosecutions, ten were pronounced not guilty; against eleven others no bills were found, and one was liberated on bail; thus leaving only two persons against whom convictions were obtained of all those persons who had been detained, without trial, by the warrant of the Secretary of State, under the suspension of the *Habeas Corpus*. Now, when I contrast these proceedings of 1817 with what has recently occurred under circumstances very similar—when I look at the weakness of that Administration, as evidenced in the fact of so many cases which they had brought to trial having been dismissed in that abrupt manner—a dismissal which must very materially have affected public opinion at the time—when I advert to the number of convictions which have been obtained from juries in cases arising out of the recent disturbances—232 convictions out of 290 committals—I cannot help being confirmed in my opinion, that that Government best does duty to the State which stood on the authority of the law as it exists, so long as it will suffice, and did not come down to Parliament for extraordinary power until the last resource has failed. Above all, it is most essential that Government should not bring men to trial for political offences, without at least some satisfactory ground for concluding that conviction will follow, and that the prisoners would not be dismissed in triumph from the bar. While on the subject of the conduct of the Government of 1817, it is impossible not to revert also to the means which they adopted, in order to detect persons guilty of sedition and insubordination. In the Parliamentary History of that period, I find recorded against the Government charges of a far graver nature than those to which I have already adverted. I find it recorded, that the Government of that day, not content to rely on the ordinary or even the extraordinary powers the laws had placed in their hands, in order to the conviction of those guilty of sedition, have employed spies to go among those misguided persons, to mix with them, to excite them, and then to betray them into the hands of the Government. Such was the conduct for which the Ministers of that day were arraigned. When has such a charge been brought against the present Government? Can they be accused of having had recourse to such men as Oliver, Reynolds, and Castles. It is no charge against the present Ministry, that they have contrived to obtain convictions against the individuals subjected to state prosecutions, by means which I cannot but consider of a most unholy character. It appears from a speech of Lord Milton, that one of these spies was the individual by whom the connection between the seditious in London and the country was kept up, and whenever he went into the country, that person's appearance was the immediate forerunner of confusion and disorder. The present Government have no charge brought against them of this nature. I have a right to go back to Tory times, and it is only in the Tory times of 1817, 1818, and 1819, that I can find the Government coming down to the House to ask for extraordinary powers, and employing spies, while they also moved for secret and *ex parte* committees, in which the cause of the people was left entirely undefended. Such is the parallel between the Government of 1817, 1818, and 1819, and that of 1839. I come now to another part of this case. The noble Lord (Lord G. Somerset), whom I do not see in his place, has charged the Government with having taken no steps whatever to protect the well-disposed portion of the community against the designing and disaffected. The noble Lord has forgotten, that at the close of the last Session, my noble Friend (Lord J. Russell) introduced a bill for the purpose of enabling the inhabitants of counties to raise a constabulary force for their own protection. If the noble Lord were now present, he being a magistrate for the county of Monmouth, I would ask him how it came to pass, that that county was among the first to repudiate the acceptance of that measure, and how it was, that the noble Lord's name was found in the majority which voted against it. Upon the subject of the Chartists, I think I have shown the House what the present Government have done in all the cases which were brought under their notice. I have shown the House that the Government have been in active correspondence with the magistrates since November, 1838, and that military force has, on some occasions, been afforded, and that in all instances, they have given their advice. I have shown, that they have not allowed the power of the law to slumber, and that they have obtained 230 convictions. I am willing to rest the question of confidence or no confidence, so far as this part of the case goes, on the statement which I have made, and the papers which I am prepared to lay on the Table of the House. I will now proceeed to make a few remarks on the speech made last night by the right hon. Baronet opposite. The right hon. Gentleman began his speech by a compliment to his noble Friend, the Member for Northumberland (Lord Howick); and invited him to cross over to the other side of the House. The right hon. Baronet's invitation reminds me of that given in the fable by a certain animal, who, having lost his tail himself, was anxious to persuade certain other animals that they would find the caudal prolongation of the vertebræ an unnecessary and troublesome appendage. If my noble Friend were in his place I would, if I might take such a liberty, tender him a piece of advice, and my advice would be, that my noble Friend should not cross the House on the solicitation of the right hon. Baronet, but rather avoid that political will-o'-the-wisp which would lead him through quagmires and moss, until my noble Friend's reputation for consistency stood on the same insecure foundation as that of some other Gentlemen whom I could name. I would advise him rather to regard the right hon. Baronet as a beacon on the shoal on which political consistency might be most miserably wrecked. The right hon. Baronet opposite, said, that if the noble Lord crossed the House, he would find the party now arrayed there, agreeing with him on many questions. He would find them, he said, willing to remove the existing defects in the system of registration and willing to carry out measures of progressive reform. Now, I trust, that without the noble Lord's crossing to the opposite side of the House, or the right hon. Baronet's coming over to this side, my noble Friend (Lord J. Russell) will test the willingness of the hon. Gentlemen opposite to improve the registration, or lend their assistance to measures progressive of reform. But it is not on these topics that I wish to remark. In the course of the speech of the right hon. Baronet, he had referred to the absence of a property qualification as one of the "five points;" and when I suggested to the right hon. Gentleman, that no property qualification was required for Members coming from Scotland, the right hon. Gentleman, with that generosity and condescension with which he sometimes regards inferior abilities, said that "the Under Secretary of State was anxious to throw light on the subject, and informed him, that there was no property qualification in Scotland. He (Sir J. Graham) lived just on the borders of Scotland, and had seen the good effects of the property qualification on one side, and the bad effects from the want of it on the other." These are the words, as nearly as I can recollect them, which were used by the right hon. Baronet. I wish to give the right hon. Baronet every opportunity of retracting the expression; but if he has no explanation to offer, then I can attach but one meaning to these words—that the people of Scotland, in sending as their Representatives to this House those who are required to have no property qualification, have sent to this House Members who are inferior in talent, in integrity, and prudence, to those who come from other parts of the empire. If I am right in supposing this to be the meaning of the right hon. Baronet's language, then, I must say, that a more gratuitous insult was never offered to the representatives of the people of Scotland. I confess that I little expected, that the right hon. Baronet whom I have seen riding

"From Nertherby-gate to Branxholm Braes."

in order to visit his friends on the other side of the border, and who so far stretched his panegyric as to congratulate them

"On victories won in border frays
"Or his own clan in former days."

would have gone so far as to say, that the Representatives of the people of Scotland were, from their want of qualification, inferior to the Members returned to the House possessing a property qualification. The right hon. Baronet may rely upon it, that this speech of his will cross the border, and that no raid of any of his ancestors ever created more indignation than will be aroused in Scotland by his speech of last night. The right hon. Baronet the

Member for Stamford (Sir G. Clerk), cheered the remark of the right hon. Gentleman, the right hon. Member for Stamford having formerly been the Member for the metropolitan county of Scotland, and in cheering that remark made himself a party to the observation. Is it possible that the right hon. Baronet can have forgotten all that he received from the people of Scotland in past days, or is he smarting under the recollection of recent defeat?

> "Manet altâ in mente repôstum
> "Judicium Paridis, spretæque injuria formæ."

I can only say, that to the charge thus made against the representatives of the people of Scotland, I give the most positive contradiction which I can do in parliamentary terms. The right hon. Baronet in his speech, also went on to quote a list of the division which took place on the question of a property qualification. I do not know whether the right hon. Baronet will find my name in that division; but I pledge myself that if ever the question is raised again, my vote shall be given in favour of a no-property qualification, so that I may do to others as I am done by. As a general charge of neglect has been brought against the department to which I have the honour to belong, I wish, in order to show the people that the Government might lay claim to some little improvement of the laws of the country, as well as a proper administration of them, to state in a few words to the House what has been done by the Liberal party towards the amendment of the Criminal Law. That subject was first taken up in 1808, by the Whig party, who were then in opposition. The important question was first taken up by Sir Samuel Romilly, than whom a brighter ornament of this House never occupied a seat in it; but after he had struggled for ten years against the whole force of the Ministers of that day, he ended his career as a reformer of the Criminal Code, almost with as little effect as when he began it. In 1819, when Sir S. Romilly was no more, Sir James Mackintosh took up the question, and moved for a committee of inquiry into the state of the Criminal Law. Lord Castlereagh refused to grant a committee of inquiry. Sir James Mackintosh, however, in a division of the House, carried that committee against the Ministers. In 1818, Sir J. Mackintosh brought in six bills, some of which related to forgery. Three of them, abolishing capital punishment in obsolete cases, were carried; but the three principal ones, were not permitted to pass into law. In 1821, he brought in his bill for the abolition of the punishment of death for forgery; and although he carried the third reading of that Bill, Lord Castlereagh, after several Members had left the House, called for another division on the question that the Bill do pass, and so contrived to get rid of it for that Session; so adverse was the Tory Government of that day, to any amendment of the Criminal Laws. In 1822, Sir J. Mackintosh obtained a pledge from the Government, that they would consider the question next Session. In 1823, Sir J. Mackintosh proposed a series of resolutions on the expediency of abolishing the punishment of death in several cases. The right hon. Baronet, who was then in office, opposed them on the ground that the Government were about to take up the matter, and Sir J. Mackintosh, upon that understanding, surrendered it into their hands. Three Bills were then introduced; but although those three Bills went to abolish capital punishment in no less than 15 cases, yet they were of so little value, so little did they contain of the substance of reform, and so much resembled they the shadow, that those 15 cases were obsolete, and the Bills themselves useless in the end. That was shown by the criminal returns, from which it appeared that in the three years, 1820 to 1822 inclusive, there were 3,070 capital convictions, with 153 executions; while in the following three years, 4,076 capital convictions took place, and 256 executions, plainly showing that the right hon. Baronet, in all that he did in the year 1823, had "kept the promise to the ear and broke it to the hope." I will not deny that in the period embracing the years 1826, 1827, and 1828, the right hon. Gentleman abrogated a great number of statutes that never were acted upon, and consolidated the Criminal Laws to such an extent, as to make them much more intelligible than they had been. But for the abolition of the punishment of death in what were formerly capital cases, I give him no credit whatever. The only way in which the right hon. Baronet has shown himself a reformer of the Criminal Law, was by extending the amount which rendered stealing in a dwelling-house capital from 40*s*. to 5*l*., thereby narrowing the offence. That was the whole sum of the reform of the Criminal Law which ever emanated from the right hon. Baronet, or the Tory party. But I will now turn to the account of what the Liberal party has done. In 1832, my hon. Friend, then Member for Liverpool, with the aid and assistance of the Government, brought in his bills for the abolition of the punishment of death for cattle-stealing, horse stealing, sheep-stealing, larceny in a dwelling-house above the sum of 5*l*., coining, and certain cases of forgery. In 1833, the bill for abolishing death for housebreaking was brought in. In 1834, that for abolishing capital punishment for returning from transportation. In 1835, the offence of stealing letters by the servants of the Post-office, was relieved from the same penalty; and in 1837, my noble Friend, then at the head of the Home Department, brought in those Acts by which, if he should be honoured by no other, he has raised an imperishable monument to his ability and humanity. These Acts repealed the remaining laws for inflicting capital punishment, except in six cases which are of very rare occurrence, and six more which are to be found on the present Criminal Code. A statement of facts will prove more than all the arguments I can use in support of my proposition, that the Liberal party has done much more to ameliorate the Criminal Laws than the Tory Government which preceded it. In 1818, exactly 10 years after the struggle for Criminal Reforms commenced, the convictions were 1,254, and the executions 97. In 1828 there were 1,165 convictions, and 59 executions. In 1838, after the laborious efforts of the Liberal party to reform the Criminal Code, the convictions were but 116, and the executions only 6. When I say there were 116 convictions, I overshoot the mark, because out of that number there were upwards of 60 convictions which took place before the Acts of my noble Friend could come into full operation; therefore the table, on that ground, should be reduced to 56 convictions, and 6 executions. I am quite willing to trust to the appeal which the Government may make to the country on the part they have taken in the reformation of the Criminal Law. I am glad that those hon. Gentlemen who are always "willing to wound, but yet afraid to strike," have brought this question to an issue; and if there should exist out of doors any of those doubts which in their nature are calculated to engender difficulty within, I think nothing will tend to allay them more than a distinct decision on the part of this House upon the question of party opposed to party. I am willing to rest my appeal to the country upon the past conduct of the Government, believing that the people of this great country would rather judge from the past, than speculate upon the future. I believe that the people do not consider that interpretation of political gratitude to be a good one which describes it as a lively sense of favours to come. I leave this case cheerfully in their hands; and when I see them again willing to wind round their civil and religious liberties those chains, which, during ten years they have been engaged in shaking off—when I see them again willing to re-enfranchise the walls of Gatton and Old Sarum—then, and not till then, will I believe that they will withdraw their confidence from a Liberal Government, to repose it in the disciples and advocates of Toryism.

Lord *G. Somerset* begged permission of the House to put a question to the hon. Gentleman who had just sat down in reference to a letter which he had stated had been addressed to the Home-office upon the appointment of Mr. Frost to the magistracy by the Lord-lieutenant of the county. He wished to know who that Lord-lieutenant was who gave his sanction to the appointment, and what was the date of his letter?

Mr. *F. Maule* said, the letter of the Lord-lieutenant was a confidential communication in answer to a confidential application. He had stated to the House, and he now repeated to the noble Lord, that the Lord-lieutenant in that letter said he knew of no objection to the appointment of Mr. Frost. The noble Lord could scarcely ask him who was the Lord-lieutenant. It was Mr. Hanbury Leigh. That was all the information he had to give the noble Lord on the subject. He was not disposed to produce a confidential communication, and he hoped the noble Lord would take its purport on his statement. The letter was dated on the 13th February.

Lord *G. Somerset* hoped he would be allowed to explain the reason why he had put this question to the hon. Gentleman. He understood that it was generally surmised abroad that the author of the letter was not the present but the late Lord lieutenant, his deceased father. He had therefore, put the question in order that the hon. Gentleman might say whether it were so or not. It was far from his wish to call for the production of any confidential communication.

Mr. *Liddell* was anxious to address the House for two reasons. He wished to express his opinion on the question before the House, and to offer some reply to the allusions which had been made to himself, and he hoped he should be able to answer those allusoins in such a manner as to spare himself the like trouble in future. One point which had been very much insisted upon by hon. Gentlemen opposite as a reason why the House should not concur in the motion, was that disunion which it was alleged existed between his right hon. Friend below him (Sir R Peel) and a portion of those hon. Gentlemen who sat on the benches around and behind him. It had been asserted in a taunting and triumphant tone, both by the right hon. Gentleman the Judge Advocate, and, by the right hon.Gentleman the Secretary at War, that such a disunion existed. The latter right hon.Gentleman went so far as to say that the right hon. Baronet, after the division which had taken place in his forces on the question of privilege, would find more difficulty in marshalling his ranks, and in carrying on the Government, than any difference of opinion on the opposite side could produce. A more fallacious and, he would almost say, a more absurd argument had never been adduced. As one who had voted in the minority against the right hon. Baronet on the question of privilege, he should take leave to explain to the House the grounds on which he had so voted. He thought he was speaking strictly to the question, because if it was imputed that that division had thrown difficulties in the way of the right hon. Baronet, he was prepared to show that such was not the case. He was perfectly ready to admit that the arguments which the right hon. Baronet had brought forward in the House were not to be refuted, and he was proud to see him standing in that position in which his logical reasoning had placed him, and which hon. Gentlemen on the other side of the House had declared had furnished a most valuable defence of the course which the House had pursued. But, while he admitted that, he saw that the practical result of that course would be an act of injustice to innocent individuals, and he would rather reject the reasoning than commit an act of tyranny and injustice. He thought it was an act of injustice to imprison hon. Gentlemen, who,in the strict performance of their duty, were placed in circumstances which it was not in their power to avoid, being strictly bound to carry into effect the mandates of courts of justice in these realms. But, was it reasonable to infer that, because some hon. Gentlemen on his side of the House had voted in opposition to the right hon. Baronet, there was any ground for a permanent disagreement? Could any thing more clearly prove the desperate straits to which the right hon. Gentlemen opposite were reduced, than their venturing to impute a general disagreement and difference of opinion, because some hon. Members chose, rather than do that which they considered would amount to an act of injustice, to vote against the right hon. Baronet on a techninal point? But he would pass on to the accusations which had been brought against the Government, as to their share in the origin and progress of Chartism. In their despair and agony, when attemping a vindication of the Government, some hon. Gentlemen had taken a course which he could not but designate as highly reprehensible. The hon. the Under-Secretary had charged those who had opposed the New Poor-laws, with holding the principles of Chartism. Some of the opponents of those laws had no doubt acted improperly. But the hon. Gentleman had included him personally in the charge, and had said that in his canvass in the county of Durham he had used violent language for the purpose of obtaining popular support—by which he presumed the hon. Gentleman meant to class him with hon. Gentlemen returned to the opposite side of the House. [Mr. *F. Maule:* By no means.] He was glad to hear the hon. Gentleman disclaim it now; but he certainly had classed him amongst those who used violent language. [Mr. *F. Maule:* No.] Why, then, had the hon. Member referred to him at all? The charge had been made by the hon. Gentleman, and he felt bound to reply to it in such a manner as would deter him from repeating it. Did the hon. Gentleman know that in the county which he had had the honour to represent in that House, the evils of the Old Poor-law were never in any degree felt; and that the New Poor-law, however necessary it might be in some parts of the kingdom to check the growth of pauperism and crime, was not called for in either Northumberland or Durham? He had had as much to do with large bodies of the community as any hon. Gentleman in that House; and in the course of his canvass, the first question put to him was usually upon the subject of the poor-laws. Was it likely that such a subject would be a dead letter? No. But he had never said one word on it that he was not able and willing to repeat in that House, and to justify too. He had never told the people that he would vote for the repeal of the poor-laws. But he had said that he thought it absolutely necessary to introduce extensive changes in the poor-laws to adapt them to many parts of England. But while he admitted that such changes were necessary in many parts of the country, he did not think they were called for by the condition of the northern counties. He had said, moreover, that those laws contained many harsh and severe enactments, and that if he were returned, he would use his best endeavours to ameliorate them. However those who were determined to maintain them in their full rigour, might treat what he had to say, he would tell them that by those laws the poor had been ruled with a hard hand; and that as long as they attempted to violate the laws of nature, and relieve fathers from all charge of the children they had begotten, they would render those laws unpopular, and they must not be surprised if the people complained of them. Certain remarks had been attributed to him which he had not used. The words which he had used had been spoken in that House. He would not delay the House by referring more particularly to personal matters, but in justice to himself he must say that those words had been misrepresented from party feeling and for party purposes; and if hon. Members would refer to the authentic records of Parliamentary debates, they would find, that the words attributed to him had never been used by him. Now, with respect to the origin of Chartism, he would assert, that though some part of it might have had its origin in the state of the poor-law, yet that far the greater part of it had been produced by the encouragement given to agitation and excitement during the progress of the Reform Bill, and though it might be urged that some noble Lords and right hon. Gentlemen who had since come over to that side of the House joined in that encouragement, he would still contend that it had been carried to an extent much beyond what prudence would warrant. The excitement created by the Reform Bill, and the disappointment of the hopes which were held out with respect to its effects, had, he repeated, been the great origin of Chartism. What, let him ask, had been the cause of the frequent changes that had taken place on the benches opposite since the Reform Bill? What had caused the retirement of Earl Grey, but the existence of the excitement caused by the Reform Bill? What was the meaning of "the pressure from without," but the excitement following the disappointment at finding that the Reform Bill had failed to produce any of the great effects which had been predicted of it? Did hon. Members recollect the great Birmingham union? Did they remember the Chartist or national petition, as it was called, which had to be brought to the floor of that House by several men —a petition which had the signatures of 1,200,000 persons. That petition adverted to the five points which had been alluded to in the debate, but did not say a word as to the poor-laws. Could that petition, and the proceedings which led to its adoption, be said to have arisen out of excitement caused by the poor-laws. He did not charge the Government with want of energy in repressing Chartism when it broke out into open violence—that was their duty as a Government; but he did charge them with having given encouragement to it by a long course of political excitement, arising out of some of their measures, and out of the known opinions of some of their members as to others. One Member of the Government would concede the ballot and an extension of the suffrage; another would extend the suffrage, though he would object to the ballot; but to all the ballot was now an open question. This was a state of things calculated to raise hopes which would not be realized, and which would, therefore, add to the already existing excitement. These were so many grounds on which he would vote that no confidence could be placed in the present Government. But there was another and a higher ground on which he would vote a want of confidence in Government. It was, that it had not the confidence of the representatives of the people of Great Britain. The Government was at once supported and governed by an Irish majority. How could the people of this country have confidence in a Government supported by such a majority, at the head of which was an hon. and learned Gentleman who had never relinquished his cry of "Repeal"—an hon. and learned Gentleman who had threatened his Sovereign with bringing, he knew not how many thousand fighting men into the field, if she should venture to call to her councils those statesmen who were opposed to the dismemberment of the united kingdoms. [Cheers.] He would put it to hon. Members opposite whether it would be better that an Irish majority should govern England, or that an English majority should govern Ireland? What would Ireland have to fear from the latter Government? Let hon. Members opposite look to the past. Was it not an English majority which carried the Irish Relief Bill? He would for himself say, that he was one of those who, under the Government of the Duke of Wellington and the right hon. Baronet the Member for Tamworth, voted for and helped to carry that measure, though he would not hesitate now to say, that he had been most bitterly disappointed as to its results. The whole conduct of the Government of the noble Duke and of the right hon. Baronet with respect to Ireland while they continued in office after the passing of that act showed that they were determined to carry it fairly out; but it was never intended by that to substitute Roman Catholic ascendancy for general equality. There was one other point to which he would advert before he sat down, and before he did so he must express his sorrow not to see the right hon. Gentleman the Secretary at War (Mr. Macaulay) in his place. He hoped, however, that some hon. Member on the benches opposite might be able to give some explanation on the subject. He had not had the pleasure of hearing the right hon. Gentleman's speech; but he had that day seen with some surprise a report of it which contained a passage which he would read to the House. The right hon. Gentleman had been pleased to talk of the "furious bigotry," as he had called it, of the followers of the right hon. Baronet. After eulogizing the right hon. Baronet in deserved terms, he added, "he could not say his followers were the same; they had changed for the worse' they had become more fierce and more intolerant. He judged by effects; he judged by their proceedings at their public meetings, and in their pulpits, which every week rang with invective and slander that would disgrace a hustings." He would beg to ask the right hon. Gentleman (Mr. Macaulay), or any of his friends opposite, what had the clergy of the Established Church in this country done to deserve the gross charge, that their pulpits rang every week with invective and slander which would disgrace a hustings? He expected that some hon. Member opposite would be able to adduce some instances which would justify the use of such language. It was not his intention to go to the other points which would justify the motion before the House, but there was one so important that he could not pass it over without some notice—he meant the condition of the finances of the country. A statement had been made the other day by a noble Lord in another place, from which it appeared that our finances were in anything but a flourishing condition. The fact was not denied by the noble Lord at the head of the Government, who, however, held out nothing but vague conjecture as to its improvement; and yet, with such a declining state of income, the Government proposed and carried a measure which would make a still farther reduction of that income. It might no doubt be very popular that people should have cheap letters, but then it should have been a matter of consideration in the first instance whether the financial state of the country could bear such a reduction of income as that measure would probably occasion. That act of itself would be a good ground for the House to declare a want of confidence in the Government. He had often heard the advocates of a Government make appeals to principles of liberty—allusions to the glorious examples of those who had shed their blood on the scaffold in their country's cause; but here we had nothing of the kind. The present Government were content to cling to office and hang for support on Court favour. He sincerely hoped that their acts might not be the means of bringing the court into disrepute. But, whatever might be their acts, he trusted there never would be wanting a stanch and steady band of Conservatives ready to come to the aid of the court, and willing to defend it with their treasure, and, if necessary, with their blood. Some faults might be imputed to the noble Duke of Wellington and to the right hon. Baronet, whom he was proud to acknowledge as his leaders. But supposing, but not admitting, that the imputation was well founded, still he would never desert them, but, as comparing them with Gentlemen opposite, he would say in the language of the greatest statesman, philosopher, and orator of antiquity—"*Malo, mechercle, cum Platone errare quam cum istis vera sentire.*"

Captain *Pechell* felt chiefly called upon to rise in consequence of some observations that fell last night from the right hon. Member for Pembroke respecting the service to which he had the honour of belonging. The right hon. Baronet had filled the office of First Lord of the Admiralty in this country, and some weight would be attached to what he said on this subject; he was, therefore, surprised and grieved at the language that fell from him. The right hon. Baronet said, that a blow had been struck at the efficiency of the naval service, and that, from the promotions that had been made, officers were left to understand, that services on the quarter deck were regarded as secondary to services on the hustings. The right hon. Baronet went on to state a number of cases, which he asserted were illustrations of this, and in many of which he had reason to believe, that the right hon. Baronet was not correct; he had stated a number of cases of officers who, he alleged, had stood contests when on half pay, and had, since that election, in 1837, stood contests. The first case which had been alluded to was that of Admiral Ommaney, who had been appointed to command the fleet at Lisbon. That gallant officer had hardly taken the command at that station, when he was attacked and libelled in the most gross and shameful manner by a number of the Tory papers, and that in a way which was most disgraceful to the character of the country. It had been made a charge against the gallant officer, that in order to conciliate the Board of Admiralty, he had been guilty of a gross neglect of his duty towards her Majesty the Queen Dowager during her visit to Lisbon, which charge, if substantiated, would have been most ruinous to his character, but he (Captain Pechell) felt assured there was not a naval officer to be found who did not entertain the most loyal attachment to her Majesty, as well as the most grateful remembrance of the various acts of kindness which his late Majesty bestowed on the naval service. That gallant officer had felt it to be his duty to institute proceedings against some of those parties, and he was sure, that not only would it be made manifest that there was not the slightest ground for those accusations, but that the power of the law would show, that such charges were not to be made with impunity. The right hon. Gentleman then alluded to the case of Lord Clarence Paget, who had been a candidate for Southampton at the last election, and intimated, that that noble Lord had got his ship in consequence of this election contest. Now, the fact was, that at the period of the election, the noble Lord was in the West Indies in the command of a ship, and therefore, so far from his being appointed subsequently to 1837, he was actually in command at that time. Another officer had been alluded to by the right hon. Gentleman, namely, Captain Plumridge, the late superintendent of the Packets at Falmouth. The right hon. Gentleman had asserted, that that appointment had been made immediately previous to the elections; whereas, the fact was, that he had been appointed long before the illness of his late Majesty. There could have been no reason at that time, then, for sending this gallant officer to Falmouth, and on this point he would appeal to the hon. Member for Penryn (Mr. Freshfield), whether he was not correct on this part of the case. Another charge was, that the Government had forced a gallant and distinguished officer to resign the office which he held as superintendent of the Chatham yard. It was asserted by the right hon. Baronet, that Sir J. Gordon had been removed from the Chatham yard to make room for another officer, Captain Clavell, who was removed to make room for Captain Plumridge, who was stated to be a relative of the First Lord of the Admiralty. Now, if anything of the kind had occurred, it was most disgraceful to those who had the administration of naval affairs in this country, but he was happy to be able to shew, that it was altogether without foundation. Sir J. Gordon was a most gallant and meritorious officer, and he (Captain Pechell) had been an eye witness of that distinguished officer's early career in a most gallant and successful affair under the forts of Cadiz, where he distinguished himself greatly. When that gallant officer accepted the office of superintendent of Chatham yard, he did so on the contingency that he must resign it if he got his flag, as the superintendency must be held by a captain. This contingency did arise, and when that gallant officer got his flag he was necessarily removed from this situation. Captain Clavell, who was a most able and gallant officer, and who had been lieutenant to Lord Collingwood, was then nominated to be superintendent of Chatham yard, from Falmouth, and the former appointment was worth from 400*l.* to 500*l.* a year more than the latter. Captain Plumridge was then appointed to succeed this gallant officer at Falmouth, and he (Captain Pechell) had heard no objections to this appointment until last night. He could not help feeling, that it was not just to the navy that such assertions as had been made by the right hon. Baronet should go forth to the world uncontradicted; and still less just was it to employ the names of those officers as the means of giving vent to party spleen and party malice. Sir James Gordon, who had been alluded to, had not been set aside, for he was in the confidence of the Admiralty, and was now employed by them in a survey of part of the coast of this country. He thought that such statements were unworthy of the right hon. Baronet, considering the situation that he had filled in the country. The right hon. Gentleman seemed to think, that the same rule should be applied to the navy as was acted upon in the army as regarded election proceedings and political meetings. The right hon. Baronet highly disapproved of Captain Plumridge, the commander of the Astrea, appearing as a candidate for the borough of Falmouth, but he did not object to a colonel of a regiment of foot contesting the borough of Kinsale, provided he would give his vote this evening in condemnation of her Majesty's Government. He would challenge the right hon. Baronet to point out an instance in which a naval officer, either on full pay, or on half pay, had remained in a room where malignant and insulting threats were used towards his Sovereign. He was happy to say that there was no instance of a naval officer, either on full pay or on half pay, ever having received a reprimand from his superiors for remaining at a meeting where insulting speeches were made respecting his Sovereign. The hon. Member for Droitwich denied that there was any agitation against Roman Catholic appointments; but here the hon. Gentleman laboured under a very extraordinary misapprehension. There was one case which had fallen within his own knowledge. At a meeting held only a few days since, at a town not fifty-five miles from the metropolis, and itself the site of a royal palace (Brighton), at which meeting were present his hon. colleague, the hon. Member for Lymington, the hon. Member for Aylesbury, the gallant Member for Honiton, and several other Members of that House, a rev. speaker, and a chaplain to her Majesty, spoke in the following terms;

"The only other point on which I shall offer any observation is with regard to patronage, and I will speak of it, not upon any narrow or paltry considerations of pelf or party, but on the broad relation of church and state. At the termination of the last session of Parliament, many important offices under government became vacant . . . . and how have their places, and the places of others been filled up? The place of Mr. Wood, Lord Grey's son-in-law, who was Secretary to the Admiralty, and a *conscientious member of the Church of England,* was filled up by Mr. More O'Ferrall, A ROMAN CATHOLIC. . . . . Appointments to situations made vacant by the withdrawal of the members of the Church of England, are filled up in a *wholesale* way by my Lord Melbourne *with Roman Catholics.* Mr. M. O'Ferrall vacated his office in the Treasury; and who was called to fill it? Why Mr. Wyse, ANOTHER Roman Catholic. And who was Mr. Wyse? A man who had employed all his talents, and they were great, all his time and influence for many years as chairman of what is called the Central Committee of Education. . . . . He, a man who had always avowed himself an enemy to the church, is the man chosen to fill up the situation vacated by Mr. M. O'Ferrall."

But the hon. Gentleman might rest assured, that all such attacks would turn out signal failures. The country at large was not prepared to coincide with the speeches of the rev. gentleman, nor with the speeches delivered at Canterbury, and elsewhere, by Members of that House. The gallant Member concluded by saying, that he should cordially join in opposing the motion, and he felt convinced he should be in a considerable majority.

Mr. *Lascelles* said, that the present motion was one which should have his most cordial support. In the course of the present discussion frequent reference had been made to the character and conduct of the Chartists, and he confessed that he thought some of the censures pronounced upon them were unfair. Their minds had been inflamed in the pursuit of objects certainly inconsistent with the maintenance of good order, and of the public peace; but, in his opinion, those who were most loud in their denunciations should remember the proceedings in which Chartism had its origin. In the course of the present discussion, as on former occasions, the right of the people to hold public meetings was most strenuously insisted on, as if any exception to that right had been taken by any Member on his side of the House. There had been no question raised as to the right of the people to hold meetings; but it was one thing to admit this right, and quite another to hold such language as frequently proceeded from the partisans of the Government in reference to that subject. The people were told, that the abolition of slavery had been effected by means of agitation; that other objects of great interest were attained by means of agitation; that the objects which the Chartists had in view were equally praiseworthy as those which he had mentioned, and that it only required equal time and exertion to attain success. If he were at a loss to give any reason why the Members with whom he was in the habit of acting, having hitherto abstained from any motion expressing want of confidence in the Government, should now come forward with a proposition of that nature, he could find it in the speech of the noble Lord, the late Secretary at War. That noble Lord, in the most explicit terms, told the House, that he felt, during the latter part of the period in which he was connected with the Cabinet, that the most respectable of their friends were dropping off day by day—that it was evident they required an increase of strength, not because they stood upon any such foolish doctrine as that of finality, but because they felt the wisdom and the justice of not permitting a further advance in that direction which some of their partisans desired. Now he conceived that such a state of things fully justified the vote in deliberating on which they were then engaged. He cared not what might have been the conduct of the Government in particular cases—he looked to the dangers which beset the country, and the means of resisting those dangers, and he looked in vain to see such means disclosed in the speeches made on the other side of the House, and least of all in the speech which was made by the right hon. Gentleman the Member for Edinburgh; one might almost imagine, from the language which he held, that the object he had in view was, to bring charges against the Conservative party, that they, and not the Ministers, were upon their defence. The right hon. Member for Edinburgh charged them with being in such a condition, that they could not form a Government without re-enacting the scenes of 1829; that they might be good for an Opposition, but that they were not good for a Government, and he instanced the policy which he conceived to be necessary with regard to Ireland. He professed himself unable to understand what doctrines of the Conservative party disqualified them from dealing with the present position of Ireland. He, for one, was prepared to concede a perfect equality of rights, but he would not allow the movement question to gain strength. He would not allow the principles of democracy to be propagated under the garb of religious toleration. The hon. and learned Member for Dublin, who wielded the power of the Romish hierarchy, did he use that power for the purpose of obtaining equal rights? Did he not, on the contrary, direct it against the House of Lords? Did he not use it to obtain an extension of the franchise? Did he not direct it towards the promotion of objects against which the Government were pledged? Surely the House could not doubt, that if the right hon. Baronet, the Member for Tamworth, came into office, he would labour to carry out the Catholic Relief Act, according to its true spirit: in what respect would it be inconsistent with the sentiments at all times expressed by the right hon. Baronet, to govern Ireland upon principles of general equality? In addition to this regard for the rights of individuals, he thought that the past conduct of the right hon. Baronet entitled him to say, that he would give every possible aid to the establishment of sound commercial regulations, to the establishment of general principles of commercial intercourse, and to the removal of those restrictions. It was not to be inferred from that remark, that he meant to make any specific statement of his own, or of any other person's views on the subject of commercial regulations. He certainly was not favourable to the existing corn law. Some there were who advocated a graduated scale; some were in favour of a fixed duty: between them, and those who contended for total repeal, there was perhaps no great difference. On that point, however, it was not necessary that he should trouble the House with any further observations; but, before he concluded, he wished to express an earnest hope that, in any conflict which might arise out of the present discussion, they would keep out of sight the personal sentiments of the Sovereign. It was true that, in the proceedings of last year, the personal feelings of the Crown were made to take rather a larger share than it was fit they should ever take in political conflicts. He was sure he spoke the sense of the House when he said, that nothing could be more dangerous than any political discussions involving the authority of the Sovereign. It was contrary to all constitutional maxims to use such influence in discussions of that nature, and he hoped that the practice would cease. As to the present Government, he should once more say, that he did not believe they were in a position to carry on the affairs of the country. The Lords were against them, the educated classes were against them, their hands were tied, they were much more incapable of carrying out measures of progressive reform than his right hon. Friend, and the party by whom he was supported.

Mr. *Handley* observed, that in the third night of a debate in which so little had been charged, though so much had been said, he should confine himself to the course proposed by the hon. Baronet who opened the debate. That hon. Baronet had said, that he felt it his duty, as an independent country gentleman, to exhibit to the country how far the present Government was possessed of the confidence of this House. He thought he had not gone far enough; for, inasmuch as the resolution now before the House, if affirmed, would not only remove the present Ministers, but as a natural consequence, replace them by the Gentlemen opposite, it was his duty to have set forth the claims which they had to recommend them to the confidence of the country. He agreed with the hon. Baronet, that it was time the public were made acquainted with the state of parties in this House. It was high time the public mind was disabused as to the calumnies and gross misrepresentations so rife during the recess; and he thought the country had a right to know whether that portion of the press which was the acknowledged organ of the hon. Gentlemen opposite, correctly represented their opinions. Before the close of the debate, he hoped the right hon. Baronet opposite, the Member for Tamworth, would inform them whether he, who in 1829 passed the Catholic Relief Bill, would now condescend to avail himself of the cry of "No Popery" as a stepping stone to power; how far he justified or denounced the language held by his followers at Canterbury and at Ashton; and above all, on what principles he was prepared to govern Ireland,—whether, as heretofore, as a conquered province, or as an integral portion of the British empire. The hon. Baronet who opened the debate, headed his list of charges against the present Government with the existing Chartist discontents. Indeed, with that exception, there was no other topic in his speech which would not as well have formed grounds for the present resolution in the last Session as now. Notwithstanding the taunts of the right hon. Baronet, the Member for Pembroke, as to the objection of time, he (Mr. Handley) confessed it did not accord with his sense of duty or of prudence, at a period when the Government required the aid of all well-disposed men to put down the outrages against the security of life and property, to select that as the fittest moment to hold the Government up to the country as weak and incapable. Was it supposed that, if the right hon. Baronet succeeded to office, there would be one Chartist the less? With the exception of those whom they might hang, would there be one man less to urge upon the deluded Chartists their destructive principles? Did the hon. Baronet believe that the Chartists, who were in fact the children of discontent, ready to break out into action at a moment of excitement, were peculiar to the present ministry, and to the present time? Did Gentlemen opposite forget the legacy which the Reform Government received in 1830 from the hands of their Tory predecessors, of a state of riot and public excitement, which induced the Duke of Wellington, and the right hon.

Baronet opposite, to recommend to the then Sovereign, not to expose his person to the hazard of attending a civic banquet? He did not doubt that the present Ministers, armed with the powers of the law, and aided by the good sense of the people, would put down present disturbances as effectually as they did those. The hon. Baronet had charged the present Government with hostility to the landed interest. Now he took this opportunity of stating in his place, what he had frequently asserted elsewhere, that of all the charges brought against the Reform Government, that was the most unfounded, the most unjust, and the most ungrateful. What measures, he would confidently ask, had been enacted during the half century preceding the accession to office of the Reform Government, that had conferred such substantial benefits on the landed interest as the new Poor-law and the Tithe Commutation Act. Did the hon. Baronet, who now enlarged on the disturbances throughout the country, forget the state of the rural districts in 1830? Did he forget the insubordination which existed amongst labourers, the intimidation excited by stack-yards blazing in every direction, agricultural machinery destroyed with impunity, farmers' servants becoming their masters, the idle and profligate eating the bread of the industrious and well-disposed, and a poor-rate which threatened to eat up the fee-simple of the land? The Reform Government boldly grappled with the giant evil which their predecessors had shrunk from contending with, and introduced, despite of all unpopularity, the Poor-law Amendment Act, which had read to the labourers the great moral lesson that they must depend upon their own exertions, and the value of a good character: its results were, that the best man now got the best wages, and the poor-rates had diminished to an incredible extent. Did the hon. Baronet forget the hated tithe-waggon,—that enemy to the improvement of agriculture,—which not only carried away the tenth of the produce, but the tenth of the capital, the skill, and the industry of the occupier? and, by the constant bickerings and contentions between the clergyman and his parishioners, did more to undermine the interests of the Established Church, than the introduction of fifty Roman Catholics to the Privy Council, or even the Pope himself. The hon. Baronet had charged upon Ministers, that they had made the Corn Laws an open question. Now, on this subject, he held opinions in concert with the hon. Baronet. He regretted much that many of her Majesty's Ministers took a different view of that question from the one to which he was, on the fullest conviction, attached: but, however he might differ from them, he did not quarrel with them because they had made it an open question, but he should have quarrelled with them if they had made it a government question; for, involving as it did so many and such extended interests, he thought it might be fairly left to the independent consideration of all parties; and he, for one, was willing to rest the case upon the force of reason, of argument, and of truth. But how were they to expect unanimity upon this point in a Government formed by the right hon. Gentleman opposite? Did they forget when a near relative of the right hon. Baronet, the unsuccessful candidate for Devonport (Mr. Dawson), within the walls of Derry, sent up, as it were, a pilot balloon, to discover the current of public opinion on the Catholic question? And could they forget how soon after, the right hon. Baronet, forsaking his "fixed opinions" on that question, turned round and followed the current of opinion, by passing the Roman Catholic Relief Bill? He could not be an inattentive observer of the change of opinion on the Corn Laws which the right hon. relative of the right hon. Baronet, who had been a Member of his former Government, and told his would-be constituents that he should be again, had avowed.—Again, Sir George Murray, a Member of the two last Tory Administrations, and a candidate for office' in the next, had avowed his adhesion to the Manchester Anti-corn-law League. Was this the unanimity which the hon. Baronet promised, if we confided in a Tory Administration?

"Timeo Danaos et dona ferentes."

It would be as presumptuous in him—as it would be unnecessary, especially after the masterly and triumphant speech of the Judge Advocate, were he to enter at length into the various measures of Government, but he could not avoid expressing his admiration of that portion of their policy administered by the noble Lord below him, the Secretary for Foreign Affairs. The official duties of that noble Lord prevented his appearing much before the public as a Member of that House, but the noble Lord's works were known by their fruit, and that fruit was the peace of Europe. He could not forget, in 1830, the prophecies made elsewhere, that under a Reform Administration, the country could not remain at peace for six months; that prophecy had been repeated Session after Session, only to be refuted by the event. After ten years of a Reform Administration, we still were in the enjoyment of the blessings of peace. He was surprised that the hon. Baronet should have, on this occasion, made the stale charge against Ministers, that they suffered the agitation of one individual in Ireland. "You have," said the hon. Member, "the means of putting him down within yourselves; arm yourselves with the mighty weapon of being in the right, and you will deprive him of the power of doing mischief, even should he have the desire." Before he concluded, he begged to offer a few observations to those hon. Gentlemen with whom he, on most occasions, acted. His own political faith was reposed on the sound constitutional views, the abilities, the firmness, and discretion of the noble Lord, the Secretary for the Colonies (Lord John Russell). He knew many of his Friends thought he did not advance with sufficient rapidity in the march of progressive reform. He would, however, beg to remind them, this was not a question of detail: the simple question was, would they prefer a Tory Government to the one in power? He called upon all those who were bound together by the principles of the Reform Bill, to unite against the common enemy; and he implored them not by disunion, to resign the great cause of reform into the hands of those who would have strangled it in its birth.

Sir *A. Dalrymple* wished to say a few words respecting a clergyman of the Church of England, the Rev. James Anderson of Brighton, upon whom the hon. and gallant Captain (Pechell) had made an unmerited, and he thought before he sat down he should show, as unwarrantable an attack, as had ever been made by one man on another. He had great respect for many of his opponents who were residing at Brighton, and he was convinced that no measure that the gallant Officer could have taken would give so great and so universal an offence in that place as the attack he had just made. The hon. and gallant Captain said that Mr. Anderson had made a speech on the subject of the connection of Church and State. That speech was not in the pulpit, but he would venture to say, that he had heard speeches in the House and elsewhere, but he had never heard a more eloquent speech, or one more to the purpose than the speech which was made by that rev. Gentleman. He had made a quotation from Burke, in which Mr. Burke noticed that the connection of the Church and State went to all the institutions of the country, and that it was wound up in the education of the people. The rev. Gentleman thought that the measures now introduced might tend to dissolve that connection. The hon. and gallant Member, before he got up to attack another, should have made himself master of what was said. Mr. Anderson had said that More O'Ferrall, a Roman Catholic, had been appointed to an office in the Admiralty; he then went on to say that the ministerial papers had made a most unjust attack on the Protestant party, with the intention of making the Catholic Relief Bill a dead letter—that Lord Fingall had been in the household of their late Majesties—that the Earl of Surrey had held the same situation—that other appointments had taken place, against which no conservative had made any remark whatever—and he went on to say pretty much what was said by the late Secretary at War last night, that it was the appointments which took place in the summer which caused the alarm. [*Cheers.*] The hon. Member for Sheffield might cheer, but let him first hear what Mr. Anderson said. He said, that he objected to the appointment of Mr. Wyse, a Roman Catholic, because Mr. Wyse had applied his talents, and they were great, and had used every means in his power to carry forward the principle of education. He then said, that he objected to the appointment of Mr. Sheil, because Mr. Sheil, by his resistance to the law of tithes, had shown himself an enemy to the Church of England. These were the causes of his objections. It might be supposed, from what the gallant Captain had said, that the appointment of Mr. More O'Ferrall had been objected to, merely because he was a Roman Catholic. It never had been objected to on that ground by him or any other conservative. He concurred in the resolution moved by the hon. Member for Devonshire, and he for one would say, that in and out of the House, for these twenty-three years, he was a strong, decided, and strenuous supporter of the right hon. Baronet, that he intended to continue to be so, and that it was on account of his declaring openly, decidedly, and strenuously, that such was his resolution, that the electors of the place which he represented had displaced a supporter of her Majesty's Government.

Mr. *Sidney Herbert* rejoiced to hear the statement which had just been made by his hon. Friend the Member for Brighton, because it had overthrown the only semblance of attack which had been attempted to be introduced by the hon. Gentlemen opposite, in support of the assertions made last night by the hon. Member for Edinburgh. He could only say for himself in the outset, that he partook in the objection which was felt by hon. Members on his side of the House to these three Roman Catholic Gentlemen, not because they were Roman Catholics, but because of the course they had taken—not from their tenets in religion, but from their opinions in politics. For that reason he objected to them for the same reason that he would object to gentlemen of the established Church if they entertained the same political opinions. He observed that the Members of the Government cheered to-night when it was asserted that it could not be supposed that they themselves were hostile to the Established Church; but, nevertheless, he was compelled to doubt that when he saw them introducing, into a permanent place in the Government, the Gentleman who had not only become one of the loudest in demanding the destruction of the Established Church, but also had been opposed, personally, to the law, by withholding from the Church the tithes which were her due; he put himself forward in inventing a species of patriotism, which consisted in withholding from the Church that which, in common law, and, he would say, in common honesty, was her property. He listened with some anxiety to the speech delivered by the hon. Member for Lincolnshire. He was surprised to hear that the hon. Member rejoiced to find that the corn laws had been made an open question. This was the compliment he paid to the present Government, in whom he professed to confide. He confessed that he did not doubt the sincerity of his professions, but he doubted the soundness of his opinions, when he found him taking the trouble to go down to the country to canvass and bring into Parliament a most uncompromising opponent of the corn laws. The right hon. Member (Mr. Macaulay) had gone back to the precedents of former Governments, and had told the House that, under the Government of Mr. Pitt, Parliamentary reform was an open question, and that, under Lord Liverpool's Government, Roman Catholic emancipation was an open question. He did think that in these cases, particularly in the case of the Catholic question, the measure was greatly assisted by being an open question. But would he say that, having seen that the question was carried by means of being made an open question, he had a right to expect that every question to which he was opposed should receive the same assistance? At this moment he thought such conduct in the Government particularly dangerous. It had not been denied that when many opinions were in a state of transition, when the spirit of inquiry had gone abroad, it peculiarly became the Government to exert a moral influence, without which no Government ought to be in existence. However disposed to give fair play to all parties, he still thought it would be an abdication of all their functions if he or any other Member should affect to be neutral at such a time. The hon. Under-Secretary for the Home Department had, after searching for reasons for the outbreak of Chartism, suggested that it had originated in the violent opposition made by certain parties to the Poor Law Amendment Bill. That hon. Under-Secretary might have had the candour to say also, that never within his recollection had he known an instance of an unpopular measure, such as the Poor-law was, being taken so little advantage of by the opponents of the Government in that House. For not only had they abstained from making such a use of it as might render its authors odious, but they actually had suffered themselves to be made partakers in the odium of the measure. Although that law required amendment, he even now felt that the public mind was still too highly excited upon this and other subjects to permit the House with safety to attempt its amendment, and he for one had not hesitated to do his duty week after week watching the operation of the act, and thus incurring the odium and unpopularity which such a course of conduct was sure to bring upon all its supporters. By a comparison of what had been spoken by hon. Members upon the ministerial side of the House, both there and at the elections, with the speech of Mr. Stephens, they appeared to to him to hold Chartist doctrines. [Mr. *O'Connell.*—Mr. Stephens was no Chartist, he was an anti-poor-law agitator.] He should not stop to dispute with hon. Members opposite as to what constituted a Tory, but, from speeches which he had heard, he should certainly infer that the speaker to whom he alluded was in favour of all those demands which were made by the Chartists considering the present excitement in the public mind, alluded to by the hon. Baronet on a former night, comprising the extension of the suffrage, the vote by ballot, and annual Parliaments, and seeing the country in such a state of anxious agitation on these topics, and combining that fearful consideration with the alarming yearly deficiency in the revenue of the country, he considered it was extremely improper that Ministers should have run the risk of further deficiency, incident to the experiment of Mr. Rowland Hill's Postage Duties Bill. Of the plan and of the ingenuity of its author he highly approved. The plan had merit, but the million of revenue which it appeared would be lost to the public, he thought could not be spared from the public emergency, and he thought it would require no small skill and fiscal ability in the right hon. the Chancellor of Exchequer to substitute some other tax for the purpose of repairing the loss accruing from a measure that was a boon to the higher classes. It would be very difficult to avoid by some new tax putting that upon the poor which had been taken off the shoulders of the rich, or those in comfortable circumstances. It was singular, that this country at a time of peace should be brought so low, and he could only account for it as the consequence of so many expensive commissions set on foot by the existing Government. Without insisting upon the singular coincidence of eight captains in the navy having tried their fortune at eight elections on Government interest, and their consequent appointment by the Admiralty to eight ships, which was no doubt, in some degree, contributive he was disposed to consider those expensive commissions as the parents of those scanty majorities which rendered the situation of Government so precarious, that one day they asserted that they had the confidence of the House, and another day said they had lost it. Such was the conduct of Government, getting support from all classes of Reformers, from the noble finality Lord, down to the famous Mr. Owen, of whose presentation to the Queen he did imagine the noble Lord (Lord J. Russell) must have been thinking when he stated that never had a Sovereign of England before been so insulted as her present Majesty. It was matter of rather curious inquiry how Ministers obtained that precarious support, and what were the motives that induced many of those who occasionally supported them to lend them their votes. The question might be thus solved. There was a large party in that House which was an extreme party. The individuals of that party were well aware that to obtain their demands it was better that they should have a weak Government rather than a strong Government. The support those hon. Members gave the Government, must, in the present case be taken to be evidence that these persons did not give the Government their confidence, but did evince their conviction of their weakness. Naturally, when the Government was pressed, they must resort for support to these persons, of whom one of them, with a plain hard hitting wit peculiar to him, had aptly said that he knew the present Government was made of squeezable materials, and therefore he stuck to it. They supported Government for what they hoped to squeeze out of it; but to a Government formed from the opposite side of the House, what could they look for or expect? Nothing but practical reforms, which fell far short of their large demands. The Government of the noble Lord addressed this party in the hour of difficulty, and said, "Don't desert us now; assist us with your vote, and in turn we will assist you."

"Ibimus utcunque precedes."

To the speech of the right hon. Gentleman, the Secretary at War, delivered last night, he was bound to pay a merited compliment for the beautiful eloquence which characterized it; but, whilst charmed by those resounding periods, full of historical research, and containing a philosophical review of every Administration except this one, he had one regret, and only one—that the speech was ended before the subject was begun. In the review taken by that right hon. Gentleman of the policy pursued towards Ireland, he only disagreed with him on one point, namely, that the party acting under the right hon. Baronet's (Sir R. Peel) guidance seemed to be influenced by a desire to repeal the Catholic Relief Bill. He conceived that the much-commended administration of Lord Normanby was only a faint and blameable imitation of the system which prevailed in the days of Orange ascendancy, when the Government was carried on and strengthened by giving an unjust ascendancy to one religious party over another; and in the late government of Ireland the same game had been played, reversing the ascendancy of the Catholic for the Protestant, giving a temporary triumph to jealous bigotry and intolerance. In looking to that country, he, and those with whom he acted, wanted not a Government which dealt out penalty and punishment to the weak and impunity to the strong—which scorned to make democratical encroachment a passport to favour and to place. Whilst he, the right hon. Baronet opposite (Sir G. Grey) had confessed he was a reluctant convert to the ballot, the right hon. Member for Edinburgh, forgetting this defection in his own ranks, had taken an opportunity of congratulating himself upon the pregnant causes, as he termed them, of disunion in the ranks of the supporters of the right hon. Baronet, their leader. If the hope of the Ministers were only derived from the prospect of dissension or disunion in the array of opposition, that hope of continuing in office would fail them. They were a strong, compact phalanx, under a leader with whose value they were fully acquainted. They would not look on the Administration which should be constructed and led by him (Sir R. Peel), as the noble Lord, the Member for Northumberland, seemed to look upon the present—a Government which it would be too discreditable to join, but not too discreditable to support—but look to him as that public man who, from his tried principles and able conduct in the service of the State, might be safely depended upon to guard the property and the liberty of her Majesty's subjects, and stand as an insuperable barrier betweeen democratic encroachment and her throne.

Mr. *Ward* said, he would have left such a matter as that of the rev. Mr. Anderson's speech to be settled between the hon. Member near him (Captain Pechell) and the other hon. Member for Brighton, if the hon. Member for Wiltshire had not given it some degree of importance, by stating that it was the only semblance of a fact that had been offered to show an intention and desire on the part of the conservative party to interfere with the Emancipation Bill. He knew nothing of Mr. Anderson except that he was a most eloquent preacher, and a most excellent man. But with respect to the sentiments he had addressed to his audience on the occasion referred to, he must say, if the religion of the parties against whom he spoke had nothing to do with the strictures which he pronounced, there was a most unfortunate coincidence between the religion of the parties and the appointments complained of. The objection to the hon. Member for Waterford might have been his advocacy of an education plan to which the speaker conscientiously objected. But the hon. Member for Tipperary had never belonged to the central board of education, and therefore was not open to the charge brought against the hon. Member for Waterford. If it was not the religion, what was it that Mr. Anderson objected to in the appointment of the right hon. Gentleman the Member for Tipperary, to the situation which he now filled. [An hon. *Member* on the opposite bench said, " repeal]. Well, what was the objection to the hon. Member for Kildare? He had stood most gallantly in the breach against the repeal agitation. He had voted against the motion for repeal in that House, and risked his election by joining with the great majority of English and Scotch Members. He was a gentleman whose talents entitled him to promotion to the office which he now held, and no man in the House would dispute it, except upon religious grounds. But what did Mr. Anderson say? In the first place he disclaimed any design of being influenced by what he called pelf or party, but preferred to speak on the broad relations of Church and State. On these broad relations of Church and State the rev. Gentleman had proceeded to bring grave charges against the Government. He said, that in place of Mr. Wood, Secretary to the Admiralty, a conscientious member of the Church of England, Mr. More O'Ferrall, a Roman Catholic had been appointed. He did not say he was a repealer, or a member of the Central

Board of Education, but a Roman Catholic, as if the word implied a complete disqualification for place or power in this country. He did not wish to pursue this case any farther, because it was but one expression of a feeling generally admitted —universally recognized, except in that House where its admission was very inconvenient, and where hon. Gentlemen found it necessary to disavow the degrading, and as he had on an other occasion, called it shabby agitation, by which they endeavoured to profit, until they found that it failed. The hon. Member for Wakefield had never said a truer word than when he observed that both parties in the House were on their trial by the present motion. The motion was an appeal of the Gentleman opposite to the country as to the principles by which the Government was to be conducted. By the result of that appeal those hon. Gentlemen must stand or fall. He congratulated the House that the discussion was placed on intelligible grounds. Nothing however, could be more lame and impotent than the conclusion of the hon. Member for Devonshire—not in itself, for the conclusion was magnificent if it could be arrived at, and one which would change the destinies of the world; but the lameness and impotency were in the grounds on which the change was attempted to be made. The speeches made by the mover and seconder had been well characterised as "two of the most unanswerable speeches that ever had been made, for their was not one word in either of them that called for a reply." And then as to the speech of the hon. Member for Kilmarnock; he had commenced by deprecating the introduction of statistical details, and then overloaded the House with them, but they all proved that the hon. Member ought to vote against the motion, which he said he would support. What did the facts of that hon. Member prove? That their trade was decreasing, and that that decrease was to be traced to the Corn-laws; and yet the hon. Member gave his support to those who, if they formed a government, were pledged to resist any innovation on the existing system. The right hon. Baronet, the Member for Pembroke by alluding to him, forced him to take part in the debate. That right hon Baronet had also alluded to the differences of opinion that existed on that side of the House. Few men had greater power, and still fewer perhaps, would take the trouble of proving, and of giving importance to such trifling matters as those differences. The right hon. Baronet worked out these little matters with a skill that reminded one of the minute carvings in old oak works, and which were unrivalled in modern times. Thus was the right hon. Baronet unrivalled in his art, and he had given them, on the previous night, a very finished specimen of his style. The speech of tbe right hon. Baronet ranged over many years—ever since he had the honour of a seat in that House. The right hon. Baronet had, amongst other things, adverted to the opinions expressed by him two years ago, on a question upon which he remained unchanged, and respecting which he never would shrink from avowing his opinions, both in and out or that House. He had shown that upon the appropriation principle he was not to be influenced by any party or personal feeling from placing his opinions upon record. He lamented the abandonment of the appropriation principle: but was that a reason why he should favour a motion for bringing back to power those who, when that question was first moved, had always perseveringly and consistently opposed it? Did the right hon. Baronet suppose that he had not common sense. [*Cheers*]. That was not a very courteous cheer; but if he had anything like common sense, assuredly he would not, when he knew that the right hon. Baronet and the noble Lord near him had, upon his motion in May, 1834, rather than consent to his motion for inquiring into the abuses of the establishment, retired—he could not be likely to concur in a vote which would bring them back to office again. The right hon. Baronet talked about facts—he relied upon facts. Now, the the very facts, and the very things on account of which the right hon. Baronet found fault with the Government, were the very things for which he gave them his support. Why should there be any sort of mystery? It was perfectly well known that there were differences on his side of the House; and he said, that there were greater differences amongst those opposite. The question was, whether they could find a middle point on which they could meet without discredit to any of the party. The very things which the right hon. Baronet made a ground of accusation against the noble

Lord the Secretary for the Colonies, were the very things that enabled him with great gratification to find himself again as that noble Lord's supporter. If the same motion that was now brought forward too late, had been proposed last year, he did not know whether he should have voted with hon. Members opposite; but he certainly should not have agreed to a vote of confidence in Ministers. But now that which the right hon. Baronet objected to was the ground of union on that side of the House. They had now found a middle point upon which, without discredit to either section, they could meet. He would be glad to know, if the noble Lord opposite (Lord Stanley) and the hon. Baronet, the Member for Oxford, had found a middle point on which, without discredit to either section, they could meet? He would be glad to know if the man who carried Catholic Emancipation, and he who told them the other night, on the privilege question, that he had never felt so strongly on any question for eleven years —which was exactly the year 1829—he would be glad to know how these two discovered a middle point? He said, then, that those on his side they had found a middle point, and that was progressive reform. He said, moreover, that it was not that progressive reform such as the noble Lord, the Member for Northumberland, had defined, and which might signify nominal reform, but what they were agreed upon was *bona fide* progressive reform. Would the noble Lord, who was taking down his words, hear his definition? He said, that the progressive reform which they were seeking was that which the noble Lord, the Secretary for the Colonies could, without the slightest inconsistency, assent to. It came within the very limits laid down by the right hon. Baronet, the Member for Pembroke. They did not ask of the noble Lord, the Secretary for the Colonies, to concede any opinion, but he had conceded open questions. The right hon. Member for Pembroke had told them that open questions were only a shuffling mode of avoiding to do that duty which statesmen ought to perform. The right hon. Baronet had quoted Lord Brougham for the opinion, that "they were the means resorted to by statesmen, who preferred keeping their places to the doing their duty." It was his opinion, that in a country like this open questions were a necessary step to every great change. If he wanted a proof of this, he found it in the speech of the hon. Member for Wiltshire, who said, in reference to Catholic Emancipation, that it would not have been carried unless it had been made an open question. What, then, was the inconsistency in a Radical like himself taking that which he thought would be the fastest and the best means of advancing to the object that he had in view? What was the inconsistency in the noble Lord, the Secretary for the Colonies, admitting manfully, as he had done in that House, that he could not keep his party together on any other terms; and in thus making that concession, which was a wise, a necessary, and a just concession to the great majority of those with whom he acted. The right hon. Baronet (Sir James Graham) had quoted on the previous night Lord Brougham against the policy of open questions; but unfortunately, it happened that quotations of opinions might be taken from Lord Brougham all directly contradicting one another. It was because the Government had made certain questions open questions, that he gives them his support. It was true, that on these very questions differences might still exist between the noble Lord, the Secretary for the Colonies, and himself. Undoubtedly there were—and had he not a right to his opinion—had not the noble Lord a right to his opinion, and no one could doubt his integrity or his ability to fight his own battles? He took that noble Lord's letter to the electors of Stroud, and he there found many objects, in which he honestly concurred. The noble Lord said, he did not oppose having 10*l*. freeholders in counties. The right hon. Baronet had not brought this as a charge against the Government, because he knew that that would tell in their favour and not against them. Though the noble Lord adhered to the rate-paying clauses, the noble Lord had consented to a better system of registration. Not such a system of registration as the right hon. Baronet said he would consent to, for his propositions on the subject were not those which would be concurred in by the hon. Member for Bridport. The suggestions of the right hon. Baronet were not those that the hon. Member for Bridport could approve of in the Committee. He interpreted then, the words of the noble Lord on this point, in a very different sense from that which was put upon them by the right hon. Baronet. The noble Lord, too, promised to remove the defects in the Reform Bill. He thought that all these were very valuable improvements, and they ought to enlist the sympathy of all who sought for amelioration, and who considered the present state of the country, and who were anxious for the security of person and property, and a due obedience to the law. He did not wish, at that moment, to discuss the franchise question, as he thought it was one both too grave and too great, in the present temper of the times. He thought that there was no man in that House who could doubt that it was absolutely necessary to resort to some measures to conciliate those vast masses of their fellow-countrymen who were placed beyond the constitutional pale — whose passions were excited, exasperated, and embittered by their exclusion from it, and being neglected by them were thus thrown into the hands of some of the most unprincipled adventurers and the very worst of men. There was no man, who was aware of the condition of manufacturing towns, who did not know that Chartism began where the franchise ended. Would they draw a line of demarcation between a slave class and a privileged class? Would they make the barrier between them still higher, so that it would be impossible for them ever to leap over it; and would they suffer the minds of those who were thus excluded to be still exasperated, and their passions to be inflamed! There were three parties in that House, although the right hon. Baronet did not seem to recollect the fact? The third party indulged in the hope, that if they kept the hon. Gentlemen opposite were they were, they might realise some of those objects that they had in view. There was, he could assure them, something very salutary in the air of the benches opposite. They had, for instance, heard from one on the opposite benches, that it would be madness now to think of governing the country upon the old Tory principle, in the old Tory times. He too had himself great pleasure in concurring with the hon. and gallant Member for Lincoln, a good Conservative, in a vote of economy, respecting which vote an observation had been made that night, and hon. Gentlemen he found were proud of the vote, and very justly. The hon. Member for Droitwich had said, that he belonged to a party in that House which was ready to stand, under all the circumstances, by the institutions of the country. What institutions did hon. Members mean? Did they mean the old or the new? Had time hallowed the Catholic Emancipation Bill in their eyes? Was the Reform Bill already become a sacred institution? Well, if it were so, he could only say, that this change in their sentiments was the greatest encouragement to them—the unhappy Radicals—to proceed. No sooner were changes carried than they became venerable in the eyes of those very people who, up to the last moment had strenuously opposed them. The Reform Bill, he took it, was one of the ancient institutions on which hon. Gentlemen opposite took their stand. What, then, was to prevent him expecting—what from living in the hope that the ballot might become "an ancient institution of the land" in two years? When the noble Lord opposite took an active part in the struggle for the Reform Bill, he had but little idea of seeing himself in the position of which he now stood. He had seen another change—the most eloquent defender of the ballot introduced into the Cabinet. He saw there one, whose talents, and whose genius, and whose powers of mind justly entitled him to have a place in the councils of the land. Without the ballot they should continue to see a great deal of corruption, and a great deal of intimidation every time that elections took place. He believed, that its progress was inevitable, and that they should see not one, but two Cabinet Ministers favourable to the ballot—that they should see the ballot made a Cabinet question, and they should see it carried by that same power which had successfully accomplished many eventful changes, and that in despite of hon. Gentlemen opposite—and then they would see the ballot enshrined with the Test Act, the Emancipation Act, and the Reform Bill, as one of the sacred institutions of the country, over which the right hon. Baronet the Member for Tamworth, would be bound to throw his shield. Thus the changes that he saw filled him with hope, for they forwarded the progress of reason and the triumph of truth. Perhaps they were nearer to triumph than even he ventured to hope, or than hon. Gentlemen opposite feared. He believed he must say, that the Government did not deserve the reproach that had been cast upon them of fostering the Chartists. He might be permitted to say, that the right hon. Baronet, the Member for Pembroke, was the last man from whom an imputation of the kind should come. That right hon Baronet had told them, that the speech of the noble Lord the Secretary for the colonies, had been read at Chartist meetings, and pleaded as an apology for the outbreak at Newport. That speech the right hon. Baronet knew was not reported at the time—only some prominent passages of it were published without the qualifications that accompanied them. If the Chartists wanted something peculiarly exciting, they would have gone back to the right hon. Baronet's work on the currency; or they would have looked into his famous speech upon Privy Councillors, which was full of mis-statement and inflammatory matter, and which actually was read at Chartist meetings, and received with unbounded applause. Did the right hon. Baronet, too, recollect that "the sponge" was a favourite instrument with the Chartists. Did the right hon. Baronet not know that his pamphlet on corn and currency was a favourite subject with the *Northern Star?* and that there was a great similarity between the opinions of the right hon. Baronet formerly, and those now professed by Mr. Feargus O'Connor, the candidate for the West Riding of Yorkshire. It did not then become the right hon. Baronet to be critical and nice in his comments upon public men, because there was not an uniformity of action to be found in them, when circumstances had changed. In spite of his former opinions the right hon. Baronet had been a Member of the Cabinet of Earl Grey, nor would the fact of his Chartist speeches have prevented him from accepting that seat in the Cabinet which was offered to him by the right hon. Member for Tamworth last May. His own opinion was, that for the Radical party in that House, there could be no more complete justification for the vote they were about to give, than the speech delivered on the previous night by the right hon. Baronet. The right hon. Baronet had told them what they had to expect from the two parties. He himself was for a complete change in the Corn-laws—the right hon. Baronet had told them they were not to look for it. They were for the ballot—the right hon. Baronet told them distinctly, that he repudiated the ballot. They were for progressive reform—the right hon. Baronet said they were not to look to him for it. [Sir *J. Graham* was for progressive reform.] Yes; that was according to the right hon. Baronet's own version of reform, which was similar to that of the noble Lord the member for Northampton, who was, he said, gravitating towards those on the opposition benches; the "progressive reforms" of both, meant "nominal reform without any progress at all." The right hon. Baronet had next found fault with the colonial policy of the Government. Upon this subject he asked what hopes could they have from hon. Gentlemen opposite, when they knew that in almost all the colonies the Church question caused great embarrassment? Had not the hon. Baronet the Member for Oxford admitted that it was the difficulty in the settlement of the affairs of Upper Canada. The colonial question was an additional argument with him for voting against the motion then before the House. He was indebted to the noble Lord, the Secretary for the Colonies, for introducing a most beneficial and useful reform in their colonial system, and for which he had in vain tried to find favour with hon. Gentlemen opposite. The noble Lord had adopted the suggestions of the colonial land committee, for he had appointed a commission to work out their suggestions. He believed that the noble Lord had not arrived at the conviction that an Act of Parliament was necessary. He himself did not know how it was possible to go on without it; he did not think that the noble Lord could stop where he was, but must go on with it. But then he recollected that upon that very committee was the hon. Member for Newark (Mr. Gladstone), formerly Under Secretary for the Colonies, and that on every division in that committee the hon. Member voted on the opposite side to himself. He had only one more topic to refer to, and that was the religious question, which had been wisely and most effectually tabooed by hon. Gentlemen opposite—it was hardly alluded to. He did not see, as he had expected, the hon. Baronet the Member for Oxford in the front rank; he looked, too, in vain for the hon. Baronet the Member for Kent; while the hon. Member for Kilmarnock, who was a great authority in the North on this subject, made a speech in which there was not the slightest allusion to it. He had one word more to say to the right hon. Baronet opposite. He begged to inform that right hon. Baronet, that when he alluded to him, it was not in reference to the corn-laws, but it was to the religious question —when he took the liberty of enriching his own vocabulary with one of the right hon. Baronet's own words, which was of peculiar signification and richness. The right hon. Baronet had on a former occasion called the Government "the shabby Government," and he himself had called the opposition "the shabby opposition." He so called them because, during the whole period of six months, they, without a symptom or a sign of life on the part of the right hon. Baronet, the Member for Tamworth, or the right hon. Baronet the Member for Pembroke, or of the noble Lord the Member for North Lancashire—the three great and leading men of the party —had carried on a system of unprincipled agitation, or they allowed it to be carried on in every town and village in England, reserving to themselves the power, if it did not succeed, of coming down to that House and disavowing all that had been done. They had even in the town of Sheffield the rev. Mr. M'Neile and the rev. Mr. M'Ghee employed and paid in his opinion for that, and retained for the special purpose of being the venders and distributors of every species of calumny and falsehood in the name of the Protestant Church. Hon. Gentlemen had had their way during the vacation, and they must now allow him to give an answer, and to connect that agitation with the Conservative party—he said the leading Members of the Conservative party. At Sheffield there was Lord Wharncliffe, the president of the Reformation Society, by whom these two individuals were received and entertained. The hon. Member for Droitwich had said that he knew of no objection which had been made to the promotion of Catholics as such. If that were the hon. Member's conscientious opinion, he was not very well informed as to the proceedings of his party. The staple commodity of the agitation of that party during the recess was this, that there had been promoted a Papist Privy Councillor, a Papist Lord of the Treasury, and a Papist Secretary to the Admiralty; appointments that it was said were sufficient to draw down the indignation of heaven on this land. He would state this of his own cognizance. There was a Protestant Reformation Society in his own county. Lord Verulam moved one of the resolutions—an excellent man (the hon. Member for Hertfortshire) had presided in the chair on the occasion; but they published an address, in which were enjoined fasts, prayers in public, prayers in private, prayers in the closet, and all to avert the wrath of God, because the right hon. Member for Tipperary had been introduced to the Privy Council. That was not all, for in some of these addresses the Book of the Revelations was quoted, and some of the most abstruse passages of God's word were perverted to make them apply to these miserable disputes. He asked the hon. Member for Droitwich whether he were prepared to support these proceedings. They were told that this was a Protestant Government [*Cheers*]. What did hon. Gentlemen mean who cheered that expression? Did they mean that there was to be a systematic exclusion of Catholics from power? If they did not mean that, what was their pretext for using the words "Protestant Government"—if they did mean it, did they, contrary to the desire of the right hon. Baronet who carried the measure, intend to tamper with the Catholic Relief Bill? [*Cheers.*] Hon. Gentlemen might cheer him, but there he left them, impaled on the horns of the dilemma—he left them to justify themselves to the House and to the country at large. They might palter in a double sense, they might attempt to throw dust in the eyes of the country, but if they meant by exclusion that no Roman Catholic was to be admitted into power, because he was a Roman Catholic, let them tell the country so. It was a very fair principle to propound for those who entertained such an opinion. He could understand them, and respect them, but it was not a principle which a statesman, as his right hon. Friend the Member for Edinburgh had designated the right hon. Baronet the Member for Tamworth, would dare to apply to the practical concerns of this country [*Cheers*]. The noble Lord opposite cheered this, but he would ask the noble Lord how was the right hon. Baronet to keep his partisans in order? What did the hon. Baronet, the Member for the University of Oxford say? and yet that hon. Baronet would tell the House that he was going to support the vote of want of confidence, and would further tell the House that there was no division on the other side, that there was perfect unity of action, and that they only wanted an opportunity to form the strongest and steadiest Protestant Government. He might multiply instances of this kind. The tactics of the party were to raise the "no-Popery" cry on the hustings, whilst the Catholic Relief Bill was their cry in that House. They all knew that at the election of Newark, when the hon. and learned Solicitor-general was elected, one of the most distinguished of the Conservative party told the people that he was opposed by the Government minions of Popery. But the party had gone farther, and had not suffered royalty itself to escape. They had hinted at some of their meetings at an anti-Protestant Queen, and they talked of the change of dynasty that occurred in 1688. Did the Gentlemen opposite disavow these things? They had been disavowed by the hon. Gentleman to whom the words had been attributed. He gave that hon. Gentleman the utmost credit for having expressed the deepest regret at the injustice which he had done to her Majesty. He would not allude to this subject further. Talk of schisms and divisions on his side of the House, they were nothing like those on the other. On the other side those schisms were much more deeply seated. They were all founded on a religious basis, and that was the worst basis of all. His explanation of that fact was this, that when they came to matters of conscience the judgment was overruled, and there was no option left. There were no errors greater in the history of the human race than those connected with religion which bore upon politics. Were the elements existing on the other side, the great difficulty would be to form a Government which should be entitled to practical support. If he wanted any other reasons than those he had alleged in the earlier part of his speech for the vote which that night he intended to give—he would find them in the course that had been taken by the Conservative party on this question during the last six months. He would not lend himself in any way to the meanness and madness of the policy which a great number of the Gentlemen opposite had adopted. He could not conceive anything more injurious to the honour, the interests, and the safety of England than to attempt to revive the dissensions which he had hoped had been buried by common consent in 1829. If others wished to revive those dissensions—if they wished to draw a new line of demarcation where they were to separate the duties which Roman Catholics and Protestants had to perform in the community, he would not do so. They must not sow the seeds of discord between the two great sections of the people of these kingdoms, if they wished the country to be powerful and happy, respected at home and abroad. Whether he looked to the Thames or the Indus, whether he referred to the preservation of Newport or to the capture of Ghuznee, he found the Catholic and the Protestant struggling together for the common country. He said distinctly, with a deep feeling, and with an earnestness for which it seemed that Gentlemen opposite were not disposed to give him credit, that on those who interfered with this arrangement, this most wise, most necessary, and most beneficial arrangement, on them rested the responsibility of dragging down this country to the very lowest stage of national degradation and disgrace, until she became the laughing stock of the world.

Lord *Stanley* said, Sir, I had waited till a late period of the evening in the hope that some other than "the first cabinet Minister who addressed the House," would at least have attempted a reply to the lucid, argumentative, convincing speech which was delivered last night by my right hon. Friend near me; because I felt that in the absence of such reply, the ground was cut from under my feet, and because I felt also that in that speech, in itself embodying the principles upon which I, as one of a great body in that House, and of a still greater body out of the House, am prepared to take my stand, our case was made out that this Government is not worthy of possessing the confidence of this House; and whatever may be the result of the division this night, that it stands confessed that it does not possess the confidence of this House. Sir, I wish to speak with every respect of the talent, of the eloquence, of the ability, of the honesty, of the zeal, in propagating and promoting his own opinions of my right hon. Friend (Mr. Macaulay), who attempted to answer my right hon. Friend near me (Sir J. Graham). I will not say who attempted to answer him; for although my right hon. Friend opposite, at the commencement of his speech, said that it was indeed easy to answer, but easier to recriminate, of recrimination he attempted some little in an eloquent essay, but answer in reply to the facts and arguments of my right hon. Friend near me, the right hon. Gentleman never attempted; and without commenting upon the luminous essay, the historical review of the last half century, (with the exception of the five years which are the subject of discussion), of that luminous essay, of that laboured speech, I will say no more than this, that it appears to me a somewhat dangerous course in the present state of the public mind, in the present state of the country, especially at home, that the one cabinet Minister who has yet spoken, that Minister who was last introduced into the cabinet, and who is therefore the last index of the principles of the Government, should have occupied the greatest portion of his speech in a laboured eulogy upon the benefits of agitation. And of what was it that my right hon. Friend's speech was mainly composed? In that speech two great propositions were propounded; first, that agitation was the mainspring of Government, without which no great or useful measure had ever been accomplished; and secondly, that agitation being the maintenance of good government, for the support of a government in which the country could place its confidence, it was essential and desirable that there should be a multitude of open questions. Now, Sir, to carry my right hon. Friend's propositions to their legitimate extent, there is no combination whatever of public men, no possible combination of the most discordant elements—if they were base and mean enough to sacrifice their political opinions for the sake of maintaining or accepting office—that would not be justified in abandoning their political opinions to carry that object into effect. But the right hon. Gentleman has not controverted any of the facts of my right hon. Friend near me. Let the House remember, that up to this moment, the whole statement of my right hon. Friend, the whole of his charges, the whole of his allegations, and of the grounds which he laid for this motion last night, stand unrefuted—yes, more than unrefuted, the whole stands uncontradicted. But although no second cabinet Minister has come forward, another Gentleman — a proximate cabinet minister, no doubt—has this night come forward in support of those whom, three years ago, he charged as a Government with the basest act of political tergiversation of which he had ever heard. That hon. Gentleman (Mr. Ward) came forward, and instead of grappling with my right hon. Friend as I hoped he was about to do, by disputing his facts and repudiating his arguments, he said—"Your facts are my facts: I stand by those facts and assertions, and those facts and the positions you lay down, are the justification of my vote of confidence in her Majesty's Government." My right hon. and learned Friend, the Judge Advocate (Sir G. Grey) in the very able speech which he addressed to this House at the commencement of this debate, a speech which I listened to with the highest pleasure, because, however much I might differ from the opinions expressed in that speech, those opinions were manfully and frankly stated, because they were stated in a way which I admire, and which in my Parliamentary life I desire to imitate—because they were stated with frankness, and in a manner and with a power worthy of the name he bears—a name which I for one never speak of here or elsewhere without respect; my hon. and learned Friend, at the commencement of his speech, expressed great satisfaction that at length the great Conservative party had departed from the position they had so long occupied—that they were about to try the strength of the respective parties in one great contest at the commencement of the Session, which was to decide whether this or that party was worthy of and possessed the confidence of the House, that he (Sir G. Grey) rejoiced to see them adopting this more manly course, instead of pursuing the course they had adopted of late years of impeding and obstructing the measures of Government in detail. My right hon. and learned Friend seemed perfectly surprised that at no earlier period was this step taken. Now without reference to the speech of the hon. Member for Sheffield, who gave some reason why we should consider that there has been an alteration of circumstances since the last Session of Parliament, for he told the House that if this question had been brought forward last Session, it would have sealed the fate of the Government, for he at least could not have voted with them:—without referring to the altered position of affairs, which in themselves may constitute some reason for diminished confidence, if any there could have been on this side of the House; allow me to say to my right hon. and learned Friend (Sir G. Grey) that I am yet to learn that a great political party is not to exercise their own discretion as to the mode and manner of their opposition to the Government, but that they are to take lessons as to when and how they are to bring forward their measures of opposition from those who are opposed to them. If my right hon. and learned Friend will, however, ask me why we now come forward, and why we have so long hesitated, I will frankly tell him. I will tell him that it has been a constant principle with my right hon. Friend (Sir Robert Peel) and those who act with him, that at no time would they endanger the existence of the Government, or seek to overthrow the Government, unless they were at the same time prepared and, as they believed, able to take the responsibility of their places. I will tell my right hon. and learned Friend farther—that we have watched the growing feeling of the public and of Parliament; and we know, from one change after another—we know, to-night, from the highest authority—we see it every day—we have witnessed it in our counties, we know it from our own neighbourhoods, that, day after day, and month after month, one by one, and two by two, the most respectable and the steadiest adherents of the Government, are abandoning them in the reckless and downward course of policy which they are pursuing. We know the effect that has been produced in England—we know that the eyes of the people are open to the character and conduct of the Administration; we know, indeed, that they see, on the other side of the House, a set of Gentlemen holding office, but we know likewise, that they pant and languish for something that shall be a Government. But I should be sorry that my right hon. and learned Friend should delude himself into the idea, that the cause is to be won or lost by the division of this night. That that division will be lost we know. Do not let my right hon. and learned Friend flatter himself with the notion that the result of this division will produce the slightest alteration in the course which the great Conservative party is pursuing. Measure by measure, step by step, failure after failure we will watch, and we will mark, and we will control the Government. We will support them as occasions may arise and they deserve, (and many have arisen when they were glad) to receive our support. But no consideration shall restrain us in our fixed line of duty as one great united party in this House, from observing their measures, from canvassing their bills, and from obstructing if we please — ay, from obstructing if we please, and from throwing out, as we have done, measures which we believe detrimental to the best interests of the country; and while from the commencement of the Session till the end of it we shall perform this important duty, we will leave to others the name, while we are content to wield the authority of the Government. My right hon. and learned Friend came forward and boldly, manfully, and frankly said, " I will meet the motion with a direct negative." Did the right hon. and learned Gentleman invite a vote of confidence in the Government? Why did he not go so far? No, he did not choose to do that; but he met a vote of want of confidence with a direct negative. What is really the plain question before the House? It is this, has this House of Commons confidence in her Majesty's Ministers? An hon. Member whom I do not see in his place, the hon. Member for Carlow (Mr. Gisborne), an independent Member as he himself said, a Gentleman who represents the unpurchaseable constituency of Carlow, the hon. Member who represents the sense of that constituency by so triumphant a majority, that after a scrutiny before a committee consisting of Gentlemen whom that (the Government) side of the House could not suspect of partiality for their opponents, he was at last seated in Parliament by a majority of one; that hon. Gentleman who claims to represent a large and important portion of the community, which great portion of the community is represented by the single unit that gave the majority:—what said that hon. Gentleman? He said that "he came forward to vote in opposition " to the motion of the hon. Baronet (Sir J. " Y. Buller); but let it not be by any means " supposed from that, that he placed confi" dence in the Government. Quite the con" trary: he gave a negative to the vote of " want of confidence, but he by no means " meant that to imply confidence in the Go" vernment." Sir, I tell the House frankly, and I tell the country frankly, that the question to be decided upon this night is, not whether the Ministers possess the confidence of this House, but whether the House shall retain the Ministers in office or not? Whatever may be the result of this night's division—whether there be a majority of 5, or 10, or 15, or 20, or 30, I care not, because I say that the great importance of this debate and of this division is, that at the commencement of the Session parties may stand unmasked and placed before the country; and that the country shall know not only that the Government is supported by a bare majority in the House of Commons, but that the country should also know upon what grounds, and by what assistance, and by whose co-operation, and with what future expectations the Government is kept in office, while it is debarred from power. Now what, I would ask, is the meaning of the term parliamentary confidence? In my opinion the first requisite towards it is a general concurrence in the principles upon which the Administration is to be carried on; and to this end it is obviously necessary that Parliament, should know what those principles are. Nay, more, the idea of confidence involves a belief in the mind of the country in the superior sagacity and foresight of those by whom the public business is carried on—a belief in their firm adherence and reliance on their own principles, and their determination to push forward what they know to be right; and steadily and uncompromisingly oppose what they believe to be dangerous. All these ingredients are necessary to confidence, and if this is the true definition of it, that it combines an assent to certain fixed principles with a knowledge of what those principles are, and a general reliance on the sagacity and firmness with which those principles will be adhered to and carried out, insomuch that no considerations should induce them to do what they believe to be dangerous, or to forego what they believe to be right, and that rather than succumb in either of these respects, they would resign office—then I ask, if this is the true definition of confidence, how many are there in this House who can hold up their hands and say that they place confidence in her Majesty's present Administration? Why, if the question were to be asked in the country, it would be laughed at. You may find many men who will say we wish to retain the present Ministers in power, not because we place confidence in them, but because we believe that they are men whom we can push forward to do anything we like. In fixed purpose and unity of principle, in the name of heaven, what are they? There are three questions in agitation at the present moment in the country, of as great importance as any which could occupy the attention of any government. The first is, that of the extent of the franchise, that is, the principles and limitations under which the subjects of this realm should be admitted to a voice in the constitution of the Legislature. The second is, in what manner that voice or franchise should be exercised, whether with the responsibility which publicity incurs, viewing the franchise as a public trust, and a great responsibility on the electors, no less than on their representatives. The third is the laws and restrictions regulating, in a complicated state of society, the supply of a swarming population with the articles of necessary consumption. On these three questions, I say, if we are to place confidence in any set of public men, we have a right to know what their opinions are. Yet is there, I ask, a single individual in the Government, or in or out of this House, who is able to say this or that is the opinion and the view of Government upon any one of these three subjects. And if we have not any means of learning what are the sentiments of Government upon these subjects, why should we give to them a blind, indiscriminating confidence, which could only be justified by finding men with the best means of information, and a large share of experience upon any particular subject, bound and united in one view of the policy to be taken in respect to it. Now, can any one pretend to say what are the views of Government upon the subject of the Corn-laws? I should like to hear in succession the explanations of the different cabinet Ministers of what they considered to be the views of Government upon this subject. There is one Gentleman, I believe, who is in favour of an absolute protection—no, I am not sure that there is any such Gentleman now in the cabinet. [An *hon. Member*, Lord Melbourne.] Yes, Lord Melbourne—the head of the Government in another place, stated so last Session, but really to say that the Government entertains any opinion on the subject now, would be impossible. It is not easy to carry in one's mind the opinions expressed by particular individuals, but when we find that every shade of opinion has been avowed by different Members of the cabinet, it is impossible to say that, as a cabinet, it views the question either in one light or another. All I know is, that the noble Lord at the head of the Government said, that the scheme of a free trade in corn was one of the wildest and the maddest he ever in his life had heard of; and then, as the very last act of his Government, the noble Lord takes into his Cabinet a Gentleman who says, that he is for sweeping away all restrictions upon trade; but on that of corn in particular. Now I can understand a Government laying down a broad principle, but as to details, saying, "We will not bind ourselves to lay them down absolutely, and make it a principle of our Cabinet, that the price of corn in our scale shall be a shilling more or a shilling less," but I cannot understand a Government, the Members of which embrace such contradictory principles. As my right hon. Friend near me said yesterday, "we are for affording protection to the agricultural interests, and that by a duty falling as the price of corn rises, and rising as the price falls." This is a fixed intelligible principle, which all men can understand; and that principle being once declared, all the farmers and every man connected with the landed interest in the country knew on what they have to rely —whereas now they know not whether they are to have any protection at all, or, if any, they know not what the nature of it is. Now as to ballot. Is not the question, whether open or secret voting is to be adopted, one of the very utmost importance to the State? I believe there is no Gentleman on the other side of the House who has denied the importance of this subject. But what do I find? The noble Lord declares, that he considers secret voting to be dangerous and unconstitutional—that it will lead to universal suffrage—and, in its consequences, be ruinous to the State; and yet what course does he pursue in respect to this very question? He has affixed no mark of reprobation upon the Members of the Government who have supported the ballot, but, on the contrary, has studiously selected for the last admissions into his Cabinet, Gentlemen who frankly tell him that they have always been in favour of the ballot, that they are so still, and that they intend to use their influence in the Cabinet to counteract a principle which the noble Lord declares to be essential to the constitution, and to introduce another principle which he believes to be dangerous and destructive. I come now to the third question, the extension of the suffrage, and here we have the authority of the hon. Member for Sheffield, who says. "I will now give you a definite principle." I confess I opened my eyes at this speech, coming from such an authority as one whom recent events had converted and made him part and parcel of the Government. The hon. Member said for the Government, that their principle is that of progressive reform: and said further, that this was a principle upon which all Gentlemen on this as well as on that side of the House could agree. No doubt about it. The principle is so wide that there is not one of the Chartists throughout the country who might not, with complacency, take his seat by the side of her Majesty's Government, and give them all the support in his power, because he, like them, is prepared for progressive reform. But the hon. Member says, "Oh, we have a middle point—the point of progressive reform;" and he turns round on my right hon. Friend near me, and says—"You are prepared to alter the mode of registering voters, you are, therefore, for progressive reform." [Mr. *Ward:* No, no.] Oh, no indeed! That is not the real *bona fide* progressive reform of course. That is not the real *bona fide* progressive reform which scared from the Government my noble Friend the Member for Northumberland. I know my noble Friend well—I know his opinions, and I know that it must be a long time before any Government could take so extreme a course as to alarm my noble Friend. And with that knowledge, it was with mingled feelings of satisfaction and alarm that I saw my noble Friend depart from the Administration, scared by their baneful principle of progressive reform; —satisfaction that my noble Friend had at last found it time to tell the country that further he could not go with the Government,—that, liberal, indeed Radical, as are the opinions of my noble Friend, he had, at last, reached the termination, the *ultima Thulé*, of his ideas, and alarm at the nature of those contemplated measures, which could cause my noble Friend, like too many of his predecessors, to be shelled off with those who, however far they were inclined to go, dared no longer to follow the downward career of the chariot of progressive reform. Of all the positions in which a Government and a country can be placed, this I consider the most dangerous. I would rather see a Government entertaining the most extreme opinions, honestly telling us what those opinions are, than see one, in which every shade of opinion is included, held together in uncertain and motley array by the one principle of progressive reform—a Government which, it is true, does not alarm the country by the extremity of its measures, but into which, month after month, a greater and greater infusion of Radicalism is poured, and of which, whilst every Member declares himself to be for progressive reform, not one single Member will tell how far he does go, or what specific measures he is prepared to support. I cannot conceive a situation fraught with greater danger to the country, nor a Government which so little deserves the confidence, or ought so much to excite the distrust, of all reasoning and sound-thinking men. But suppose it admitted that the principle on which the Government professes to act ought to be well known; there is, or I am much mistaken, another element necessary to confidence, viz., a reliance on the foresight, prudence, knowledge, and sincerity of the component Members of the Administration themselves. I wish that, on this point, I could pause, but there is a lamentable instance which has occurred within a short time which will show how much reliance is to be placed on the prudence and foresight of the Government, and that, too, in relation to a point on which they have particularly piqued themselves, viz., their forbearance, their mercy, their leniency, their absence of prosecutions, by which, they fondly imagined, they had put down even the shadow of disaffection in this country. The hon. and learned Gentleman, the Attorney-general, when he visited his constituents a few months ago, in a speech enumerating the merits of the Administration, told them that, owing to the course which they had pursued—a course so different to that taken by the Tory Administrations—Chartism had vanished from the land, and that discontent had passed away. He told them that leniency and absence of prosecutions had produced their expected effects, and that Chartism was known no more. At the very moment when the Attorney-general had uttered these memorable words, he stood on the crater of a volcano, then asleep, but which was soon to burst forth with overwhelming violence, and within one month after the delivery of that speech, that Attorney-general was himself prosecuting, for the highest offences of treason, no less than twenty-one of the many thousands of misguided men who had broken out, on no pretence of distress—on no question of absence of work—on no ground of want of wages—but who, misguided and misled by political agitators, burst forth into open revolution—had attempted, and, had it not been for the providence of God and a tempestuous night, would probably have succeeded in demolishing and sacking a peaceful town in the heart of England. Was this the extinction of Chartism? Was Chartism extinct then? Do you believe that it is extinct now? It was not. It might be slumbering, but it lived throughout the country. When it would rise again no one knew. Such was the result of the direct and unfortunate encouragement which the fatal policy of the Government had given to it. The Government had the insurrection at Newport—they had the outbreak at Sheffield—they had the disturbances at Bradford—they had the troops under arms, the police called out, the troops prepared as if about to enter into an engagement; and where—where was this? In the very heart of the metropolis of England. And all this within four months after the boast of the first law officer of the Government that, by the sagacity and foresight of that Government, Chartism was dead, and discontent had passed away. But there is another main ground for a nation's confidence in a ministry—that they will not flinch from what they think necessary to be done, but peril their possession of office rather than neglect it. I grieve to say that, from the moment Lord Melbourne's Ministry was first formed to the present hour, the Government of this country has lived in popular opinion not on what it has done, but what it has undertaken to do, and knowing, at the same time, that it cannot do. The more certain the measure to be defeated, the better adapted has it been to their purpose; and they have gladly adopted it as the standard topic which should last them for a Session. Thus they have created a stock in trade of good intentions, which, being successively defeated, they said immediately, the Tories had obstructed all their good measures, and then some new Jack-a-lantern scheme is put forward, to delude the country into a new supply of confidence. On what, I ask, did the present Government come into power? Upon a pledge which to this hour they have never fulfilled, which they themselves have abandoned, and that upon a principle which they declared to be essential to the welfare of the country, sooner than not sustain which, the noble Lord said that he would not sit an hour in his seat in Parliament without displacing any Administration who hould attempt to carry on the Government of the country without it. On this principle the noble Lord took office, and where, I ask him now, is the appropriation clause? Do I condemn the noble Lord for abandoning it? No. I know he would have carried it, if he could; but I do condemn him for founding his Government upon it—for having made the carrying of this principle the means of obtaining that support from the country which enabled him to throw out the Government of the right hon. Baronet; and for the sake of obtaining a political object, adopting as a fundamental principle of his Government, one which, retaining office, he was afterwards compelled to abandon. I state this merely as one instance; there are many more—some of greater, others of less importance, upon which her Majesty's Government has come forward with measures, and, disclaiming any particular bent on one side or the other, have said, with respect to them, that they merely wished to feel their way, and take the sense of the House upon the principle involved. Now, this is not the course which Government should take. An individual Member may come forward, introduce a measure with the view of taking the sense of the House upon it, and, after ascertaining that that sense was not in accordance with his own, withdraw it without the slightest blame to himself. But I say, that a Government ought to know its own mind and be able to carry its own measures. I say, that if they consider those measures necessary, they should maintain and persevere in them; if not, they should not bring them forward at all. I must say, I was astonished to hear the answer of the noble Lord, the Secretary for Ireland, to a question put to him by an hon. Member on this side of the House. The House is aware, that last year the noble Lord came down to ask an advance of 2,000,000*l.* in furtherance of the establishment of railways in Ireland—no doubt a very laudable and beneficial project; but, at the same time, it might have been a question whether, considering the finances of the country, that sum of money would have been most properly applied in the way proposed. However, the noble Lord obtained a majority; and then, upon an intimation of my right hon. Friend, as though he thought that sum of money might, by possibility, be much better applied in some other manner, the noble Lord withdrew his railway project, and now contents himself with talking of the good intentions of the Government which have been frustrated by the opposition. And what has happened in the course of the present Session? An hon. Member, asked the noble Lord — Do you intend to bring forward any measure on the subject of Irish railways? To which the noble Lord, in reply, said—I should like it very much—I think it very desirable; but I should like to know what hon. Gentlemen on the other side of the House think about it, and then I shall be prepared to tell the country whether I shall propose such a measure or not. And this is a Government, and this they call conducting the affairs of the country! I recollect well, when I formed a part of Lord Grey's Administration, that a measure was brought forward by my Lord Althorp, to give relief from what was considered to be a great grievance, namely, the operation of Church-rates; and I believe, that when I quitted that Administration, one of the last things said to me was, you will of course support this measure out of office as you did in. Without the slightest hesitation I said, "Of course, I thought it a right and a proper one, and I think so still; I shall support it." The measure was brought forward; leave to bring in the bill was obtained by a large majority, but there it ended. Since then, there certainly has been a great outcry by her Majesty's Government against the grievance of church rates; but from that moment to the present they have never done any thing in the matter. Have they attempted anything? Yes, they brought forward another project. I will not enter into the question how the ecclesiastical commission was broken up; but a project was brought forward by Government, avowedly, for the purpose of doing away with church-rates, and supplying the deficiency by a new arrangement of ecclesiastical property. The measure was brought forward by the then Chancellor of the Exchequer, who at the same time fully explained his views and the details of the plan by which he intended to carry it into effect. It was carried by a small majority; but so threatening was the aspect of the House, that the convenient course of all weak Governments was adopted — that course which is ever adopted by those who wish to shift responsibility from themselves to somebody else—they sent the bill to a select committee to be inquired into by that tribunal. What was the consequence? Just what might have been expected. The plan was sifted, its calculations blown into air, and from that hour to this the measure has wholly disappeared. Now, Sir, for the last three years there has been a subject most pressing in its nature, and on which the Government has declared that it was necessary to legislate—I mean the subject of the Joint-stock banks. What has been done upon it? If there be one question which a Government ought to take up above another it is this. Well, year after year it has been referred to a committee; committee after committee has sat upon it; through successive years they have received evidence, they have made reports; but not a single step has the Government taken in the matter. Look likewise at their conduct with regard to the bank of Ireland. The late Chancellor of the Exchequer determined to renew the charter of that bank, and, as a Member of the Government and responsible for the finances of the country, he pledged himself that this was an advantageous and desirable course? What happened? The subject was postponed day after day, and week after week, till the end of the Session; and then, through the opposition of the hon and learned Member for Dublin, who reposes so much confidence in the Government, by repeated divisions, and merely by wearing out the Ministers by delay, the Government was compelled to abandon that measure, the loss of which the right hon. the Chancellor of the Exchequer, now a Member of the other House, declared would cost the country 20,000*l.* a-year. Really, I am ashamed of going through such instances of dereliction of duty: but I am endeavouring to show whether, in foreseeing or preventing danger—whether, in acting on their own principles or carrying through their own measures—they are entitled to the confidence of the House. Now I will take an instance of their steadiness of resistance to a measure which they believed to be dangerous. I will take the measure of Post-office reform. And when I use the term resistance to what they knew and believed to be dangerous, I say that so monstrous a proceeding was never known before amongst claims for services not rendered as that claim to a temporary, short-lived popularity, put forth by the Government on the ground of having carried the Penny-postage. Why, it is notorious to every man, that when the "pressure from without" became intolerable, the Government entertained that proposal, which the Post-master-general declared to be so wild and impracticable that he would not listen to it for a moment, and according to their ordinary practice, appointed a select committee to consider Mr. R. Hill's plan of Penny-postage. What happened? Three Members of the Government actually served on that committee from first to last, and from first to last we find those Members of the Government voting on every division in the minority—succeeding in throwing out the Penny-postage plan, and substituting a Twopenny-postage, which, when it came to be discussed in the House, was repudiated by all parties. And then, forsooth, after the plan was examined by the Members of your own Government, after evidence was taken before it, after you declared your conviction that it would be dangerous to the revenue, because a temporary popularity was to be gained, you adopted the proposal which you fought and combated in the committee, and you now claim for yourselves the confidence of the country on account of that "great boon, Mr. R. Hill's plan of the Penny-postage." Did you know this to be a beneficial measure, or did you believe it to be a mischievous one? Did you believe that in passing it the finances of the country would be safe, or did you not? If you did believe so, and thought you could safely undertake it, and that it was a beneficial measure, which ought to be adopted, you should, having first well considered it as a Government measure, and not yielding to clamour, have brought it forward on your own responsibility. But if you were of opinion that it would be dangerous to the finances of the country, you ought sooner to have abandoned your offices—you ought sooner to have waived any personal consideration rather than be driven to endanger the resources of that country of which you are the responsible Ministers. I tell you this, that you would have found (had you taken that ground), as you have done on former occasions, support from your political opponents; and had you honestly told us that the condition of the revenue was such that you durst not hazard this new, untried, and dangerous experiment, you might have safely thrown up the Government, for no set of men would be found bold enough, or rash enough, or dishonest enough to take it. I have stated my notion of what is requisite to confidence in a Government. I say too, with all respect, that if there be any term in the English language the opposite of confidence, it is contempt; and if there be an epithet (it is not mine) which, when applied to an administration, in regard to its principle, firmness, and integrity, is indicative of such a feeling, it is that applied to the present Government by some who will vote confidence in it to-night, and who declared that you were formed of "squeezable materials." I ask you what that epithet means? I tell you it means that you dare not hold to what you believe to be right, and that you will not resist what you know to be wrong: but that, bit by bit, and little by little, you will suffer yourselves to be importuned and overcome by the ominous and formidable argument, "we are seven"

—to be driven from this position, and from that in the course of "progressive reform," and to be left no principle to take shelter under, because, according to the hon. Gentleman (Mr. Ward), you are joined with him in that "course of progressive reform." What says the hon. Gentleman the Member for Sheffield? "What we want is progressive reform, real *bona fide*, practical measures of reform. We have obtained (now mark this) since last year this important step—we have made the ballot an open question, and we have thus succeeded in compelling the administration to yield to us the principle, that there shall be open questions." "Open questions," says the hon. Gentleman, "are a necessary step to every great change." So says also the noble Member for Stroud. The concession on the subject of the ballot must lead to an extension of the suffrage, not to any definite extension, but to universal suffrage, *e confesso* by the argument of the noble Member for Stroud. "Open questions," says the hon. Gentleman, "are the necessary prelude to the carrying of every great question." How goes on the argument of the hon. Member for Sheffield?—"You have this year conceded open questions; next year you must make the ballot a cabinet question; before two years that question will be a matter of history and you cannot help, in the 'course of progressive reform,' granting us the climax to our radical aims (which means changes to an extent as far as ingenuity can conceive, or the wit of man devise), with no resting place short of a national democracy. This is the condition on which we join you." And I must say, that the hon. Gentleman and those who think with him, are consistent. But how great is the inconsistency of the noble Member for Stroud! and what is the excuse, what the apology, deemed all-sufficient by the hon. Member for Sheffield, for a departure from avowed principles? Because, truly, without such a departure the noble Lord could "not keep his party together." Now, Sir, let the House and the country know on what ground it is that confidence is about to be voted this night. It is not a confidence in the firmness—it is not a confidence in the character—it is not a confidence in the principles of the Government—but it is a confidence entertained by those who are wedded to extreme opinions, that step by step, and bit by bit, and inch by inch, you will be driven from one position to the other in the course of "progressive reform," until you stop—none of you can say where—but, as must be necessarily concluded, at the abolition of our form of Government. I hold in my hand another illustration of this confidence. I hope I shall not offend the hon. and learned Member for Dublin, by recurring to a speech of his. The hon. and learned Gentleman is not in his place, but the passage I mean to read is not one for which I intend to impugn his conduct, or charge upon him the slightest inconsistency. In 1836, this friend and ally of the Government, who places great confidence in them, as they place great confidence in him, says, in a speech delivered in Dublin, "I am for a reform of the House of Lords, and, as a means of obtaining that end, I am for universal suffrage. I am for the ballot and doing away with property qualification." The Under Secretary of State has to-night given his adhesion to this view. "Now," says the hon. Gentleman, "I am for the Whigs, although they don't go the whole way, but when I get them to a certain point, I will bring them the rest of the way with me." So says the hon. and learned Member for Dublin, and is there any Member of the Government who has stepped forward in this discussion and said, "Here are our principles, so far we are ready to go as a Government; but any ulterior change we will resist to the utmost of our power?" Not one. Now, I want to know of what party in this House or in the country, the present administration commands the confidence? I need not ask if it have the confidence of this side. In the sense in which I use the word, I think I may safely ask, has it the confidence of the other side? Have the Ministers the confidence of the landed interest? Have they the confidence of the advocates of a free trade in corn? They have, I admit, the confidence of the latter to this extent, that in each fresh accession to the Government, they see themselves gaining more and more strength, and they have just the confidence which is derived from counting votes in this united cabinet. Have the Ministers the confidence of the clergy? [*Loud Laughter.*] That shout is the answer. It is a supposition too monstrous to be heard of. Have you the confidence of the constituencies of England? [*loud cheers.*] The answer to that cheer is the representation of England. Well, a majority of the representatives of this part of the United Kingdom do not give their confidence to her Majesty's Government. But, say the Government, we have the confidence of Ireland. Now, have you the confidence of Ireland? Through what organ do you derive that knowledge? You have, it is true, the confidence of the hon. and learned Member for Dublin "the representative of all Ireland." But how far is he disposed to repose it in you? He knows how to mould you to his purpose, to make you the instruments to accomplish his end; and he makes a boast, that if you, his instrument, be removed from office, so far are you from having the confidence of the Irish people, that let him but hold up his finger, and he will have 500,000 fighting men ready for resistance. And to resist what? The exercise of the prerogative of the Crown, if her Majesty should think fit to exercise it in compliance with the voice of the English representatives. And you boast of the tranquillity of Ireland, and speak of it as being now in a safe condition! Do you believe this or not? Do you believe that it is so, while there is a man in Ireland who, on holding up his finger, can raise 500,000 men in rebellion? I say rebellion, for I know not how the leader of 500,000 fighting men can be "ready to die in the field" rather than admit his opponents to power, without incurring at least the penalties of rebellion. But I say, if that be the state of Ireland—if you believe that Irish tranquillity depends on such a precarious issue, what a fearful responsibility do you incur to the country for withdrawing from Ireland, and boasting that you have done so, that military force, which, under all circumstances, you may expect to be faithful to the Crown, and leaving the country in the hands of those who have told you, through their organ, that they have but to hold up their finger to kindle a rebellion! Sir, the hon. Under Secretary of State has told us that we should not speculate on the future, but look to the past; and he invokes the confidence of the English people and of this House, in consideration of the prosperous state in which the present administration has placed our affairs. Well, let us look to what they have done. They have now held the reins of Government five years, and at the expiration of that time I ask you (without going into all the questions which present themselves) to consider the great and important interests which are now at stake, and what is their perilous condition. I ask you to look abroad, and take the department of the noble Lord, the Secretary of State for Foreign Affairs. Look at the miserable condition of Spain for the last six years, caused in a great measure by your half and half interference in the sanguinary struggle, the termination of which forms an admirable commentary on the whole of the noble Lord's proceeding; for when he was asked whether the Government took any part in the Bergara Convention, he answered, that he could not say that our Government was a direct party to the treaty, but he admitted, that the officers of her Majesty did everything in their power, and under the direction of the Government, to carry forward the views of the Spanish Government. Let us look to the affairs of the East. That question may or may not be amicably settled. I know not in what position it may be now. I have not the information of the noble Lord, but the state of things there is such, that all Europe looks to it with anxiety, alarm, and apprehension. Look at the affairs of India, and the Judge Advocate-general taunted us the other night with not venturing in this debate to allude to the affairs of India. No man can admire more than I do the gallantry and intrepidity of our troops. No man can rejoice more at their signal success, proportionate as it was to their almost desperate exertions: but this, I know, that though you have gained your victory, you have not settled the question of your policy. I am aware, that you have carried your military point, but I question the policy of your invasion of Affghanistan, and which dictated your march to Caubul, leaving your army at so great a distance unsupported. [Sir *J. Hobhouse:* Not unsupported.] I rejoice to find so; but the estimates will show at what cost. I know very well that you were compelled in the course of these operations to violations of solemn treaties. I know that you violated your treaty with Persia, by taking part in the internal affairs of Affghanistan, and that you violated your treaty with the Ameers of Scinde by storming their capital; and I doubt whether you are justified even by success (I don't speak of your partial and temporary success) in the course you have taken as a question of permanent and settled policy. I fear, I confess, that it will lead to interminable difficulties. What has been the first step after your proceeding? Russia has taken a leaf out of your book, and advanced to Chiva, as you have gone to Candahar; and at this moment when the two powers are filled with mutual jealousy, and when commercial interests form constant sources of difference, you have destroyed the independence of those territories which formed a barrier against the encroachments of both nations. I certainly cannot approve a policy the only successful part of which has been the brilliant achievements of our troops. And if the recent news from India be true—if it be the fact that our army after their conquest on their march back to our own dominions, were again recalled to secure Shah Soojah on the tottering throne, his possession of which, within a few days of their evacuation was again threatened by Dost Mahommed; if this be the case, and that, fatigued and harassed as the soldiers were, they had been obliged to retrace their steps to restore the puppet monarch of your creation to the throne, then—[Sir *J. C. Hobhouse*: It is not the fact.] He rejoiced that it was not so. Unlike the right hon. Baronet, he had no access to official information, his only source was that which was public to all; and the right hon. Baronet must be aware, that such had been the latest public reports. [Sir *J. C. Hobhouse:* I saw such a report in a Limerick paper.] I am sorry, that the right hon. Gentleman throws discredit on anything that comes from that country. But if the case of India, was bad as against her Majesty's Government, and disentitled them to the confidence of the country, in what condition can they be said to stand in that respect as regards our relations with China? The trade of India with China in opium was not alone put an end to, but more than three millions' worth of the property of British merchants had been confiscated. The trade in tea with this country is stopped, and the most serious consequences to our commerce are apparent. This her Majesty's Ministers have done, or assisted to do. But, to crown all, they have completed the country's loss and our degradation in that quarter of the world, by giving a double triumph to the Chinese authorities—first, in permitting them to set our power at defiance, and secondly by allowing them to defeat our military and naval force. I should wish to know whether the proceedings which have taken place were the result of furnished instructions. [Sir *J. C. Hobhouse:* The Minister responsible for them is not present.] But, I suppose in this united cabinet one Minister can answer for another. The question whether we are at war is not, I presume, an open question. You have consulted on this subject, you have taken a cabinet decision on it; and I ask any Member of it to tell me distinctly whether you approve or disapprove—sanction or disown—the proceeding of Mr. Elliot, and how you mean to deal with those British subjects, who, in obedience to your command, have incurred severe losses of property? I won't go through the colonial questions. Fortunately, there is one colony to which we can look with unmitigated satisfaction. We can look to the triumphantly satisfactory reports which come day after day, and week after week, from the colony of Jamaica. There is nothing but harmony between the Governor and the Assembly—nothing but praise from the Assembly of the happy manner in which their differences have been adjusted—and nothing but the most steadfast resolution expressed to carry into effect the provisions of the Emancipation Act, to deal justice between man and man, and to co-operate with the Governor in silencing the voice of discontent. And this was the legislature which you were about to sacrifice on the plea of necessity, and which we prevented you from sacrificing. The noble Lord has told us this year—within the last fortnight—that justice is not done. If justice be not done, and if we defeated that measure—if we prevented the noble Lord from the great object of justice being done—why is the noble Lord responsible for the conduct of affairs in the colonies when he confesses that our obstruction was the cause? But if justice be done—if affairs be prosperous—if there be little or no discontent—do not let the noble Lord refuse this side of the House the credit of having, at least, for once beneficially obstructed his course. The noble Lord at the head of the Government, has told you that you must be prepared to make a great effort, or submit to see this country sink in the scale of nations. Sir, under all these circumstances, with Chartist conspiracy at home—with all those great questions causing apprehension abroad—with the dispute, the long-pending dispute, relative to boundary remaining unsettled with the United States—with the aggressions of the French upon Monte Video—with the constant increase of the French navy—I ask what is the position of this country at this alarming conjuncture? Are you prepared to make a great struggle, or are you prepared to allow the nation to sink in the scale of nations? You are prepared to make a great struggle: then I ask where and what are your means of doing so? I ask you, with all these circumstances surrounding you — with all these dangers threatening you abroad and at home—in what state, under your management, are the finances of the country? You have been in power for five years, and for the last three of those years during a period of entire peace; you have had a constantly increasing deficiency and a constantly augmented expenditure. You have had this not with a decreasing, but with an increasing income, and in a time of profound peace. Such has been your management. In three years you have accumulated a debt of somewhere about three millions. In 1838 you had a deficiency of 1,400,000*l.*; in 1839 your deficiency was 425,000*l.*, and the estimates of the deficiency for the present year are not less than a million. And the quarter which is to close that financial year is the first quarter in which you experience your new operation of the penny post. I ask, in this state of the country, in this state of the revenue, with your Indian trade cut off, your Indian revenue cramped by the loss of your opium trade, your domestic revenue damaged by the loss of your tea trade—how, and by what means are you prepared to meet the exigencies you must encounter, if you continue to conduct the Government, and keep England her rank in the scale of nations? The sacrifice of the Post-office revenue was an indefensible sacrifice under all these circumstances. But you tell me the House was pledged to make good the deficiency that might arise. I say on this side we scorn, we repudiate that pledge, and your own supporters laughed at your scheme when you proposed it. But when you come down here to ask for new taxes to make good your deficiency, I ask simply—where are you to get them? Have the House of Commons sufficient confidence in you to vote them? If not, in what state do you leave the revenues of this mighty nation? Sir, I am aware I have trespassed too long upon the time of the House, yet there is one question which I was most desirous to avoid, but which the observations of the hon. Gentleman force me to advert to. I mean the religious question. Now, at the outset, I make no hesitation whatever in declaring my strong and fixed principle to be, that, since the passing of the Emancipation Act, not only have I had no desire, but I would not consent to be a party to the repeal of that act. Also there is no Gentleman in this House who will go farther in carrying that act into full and practical operation. That Act admitted a large class of her Majesty's subjects into full and fair participations in all civil rights; and I, for one, will not be a party to depriving them of those rights. When the hon. Gentleman seeks to connect the great body of the party on this side of the House with those extreme opinions which he says he has heard—when he talks of speeches we have never even heard—I say I never heard one of those speeches. I, indeed, on one occasion, and on one only, met one of those Gentlemen who, I believe, have been particularly alluded to—I mean the Rev. Mr. M'Neile; and I am bound to say that a more eloquent, sincere, and moderate speech, and one more free from bigotry, and one in which I could more readily concur, than that which he then delivered, I never heard. "But," asks the hon. Gentleman—speaking of 'the venders of every species of calumny'—speaking of persons he does not name, and from whose speeches he gives no quotation — "If you don't mean to repeal the Catholic Emancipation Act, what do you mean by a Protestant Government?" I will tell the hon. Gentleman what we mean. I, as a Protestant, tell the hon. Gentleman that this country is by constitution a Protestant country—that the Sovereign is, by the constitution, a Protestant Sovereign—that the Church establishment of the country is a Protestant establishment. What we mean by Protestant Government is—that the Members of the Government are not to be, to quote the words of an hon. Member opposite, the "minions of Popery." The words are not mine, but the hon. Member's opposite. To him they belong, for he made use of them. [Mr. *Ward:* They were Mr. Thesiger's.] Be it so: they do quite as well. Sir, there is a great difference between being the minions of Popery, in the sense in which I have used the term, and the determination to give to all her Majesty's Catholic subjects their rights and privileges. These I will maintain, but I will not forget that I am a Protestant subject of a Protestant Sovereign, and that I belong to a Protestant country—and I will not by any word or deed, private or public, endanger the security of the Protestant Establishment. This, as the hon. Gentleman asks me, is what I mean when I talk of a Protestant Government. I heard a hint thrown out by the hon. and gallant Member for Brighton against some gentleman I never heard of in my life, and the accusation against him was that—not as the hon. Under Secretary said, in the pulpit, but at a meeting on the subject of education. [Captain *Pechell*: At a dinner.] Well then, at a dinner in Brighton—the accusation, I say, against this gentleman was, that at this dinner he objected to the appointments of the hon. and learned Member for Tipperary, the hon. Member for Waterford, and the hon. and gallant Member for the county Kildare, on the ground of being Roman Catholics. Now the hon. Gentleman had the printed letter in his hand when he made this charge. [Captain *Pechell*: It was a newspaper.] I have the speech, and I dare say it is identical with the report in the newspaper, and used by the hon. and gallant Member. [Captain *Pechell*: No.] Well, then, the hon. and gallant Member should have taken care to have it. The hon. and gallant Officer had gone on to read how the rev. gentleman had objected to these appointments on the ground of their being Catholics. There, however, he stopped. Why did he not go on? He had far better have done so—for the rev. gentleman went on to say—

"And here, gentlemen, I wish to make one remark on the fallacy now daily and studiously put forth in the Ministerial papers that the great body of the Conservatives are anxious to make the Emancipation Act a dead letter. Sir, we desire no such thing; we know that it is the law of the land, and, like every other position of that law, must be respected and acted upon. For proof of this, I ask you, have there not been law offices in Ireland, many of which are of high importance, given, time after time, to Roman Catholics, without one word of murmur from the great mass of the Conservatives? Mr. More O'Ferrall was made a Lord of the Treasury, without any complaint from the Conservative body. Lord Fingal, again, is a Lord of the Bedchamber; Lord Surrey is Treasurer of the Household; and many other Roman Catholics have also received appointments without calling forth any general remonstrance from the Conservatives."

And yet, that is the speech for which the hon. and gallant Officer attacked, in his absence, the rev. gentleman in that House. The hon. Member for Sheffield read his extracts. I believe from the same edition of the speech as the hon. and gallant Officer. [Mr. *Ward*: I read it from a manuscript.] I think the hon. Gentleman cannot be too cautious in respect to reading manuscripts in future.

"All this," the rev. gentleman went on, "goes to prove that the Conservatives, as a body, have never regarded nor wished to regard the Emancipation Act as a dead letter."

Why did not the hon. and gallant Officer read that? Why did not the hon. Member for Sheffield supply the omission from his manuscript copy.

"But," proceeded the rev. gentleman, "how stands the case now? Appointments and situations, made vacant by the withdrawal or promotion of members of the Church of England, are filled up in a wholesale and insulting manner by Lord Melbourne with Roman Catholics, and these"—(the House would remark that)—"the most obnoxious, by their public character and conduct, to all the faithful members of the Church and State. It is this point which forms the chief ground of our complaint. Mr. M. O'Ferrall vacated his office in the Treasury, and who was called to fill it? Why Mr. Wyse, another Roman Catholic."

The rev. gentleman then goes on to state his objections to the appointments, not of the hon. Member for Kildare, to whom no objection was made, but of the hon. Members for Waterford and Tipperary. I will not read all which was said of the hon. and learned Member for Tipperary. [*Cries of "Read on."*] No, I will not read on, and if Gentlemen, who have the speech in their hands will look at it, they will see why I will not read on, but the objection stated, is one which should have much weight with those hon. Gentlemen on the other side of the House who speak so emphatically of their exclusive loyalty, and are so indignant at a disrespectful expression towards a Member of the Royal Family of this country.

The rev. gentleman goes on to say of the right hon. and learned Member for Tipperary; and this I will read—

"And not only that, gentlemen, but, in his place in Parliament, he has spoken of the Church as 'that which a faction fattens, and by which a nation starves.' And, only a few years ago, he was among the foremost who refused to pay tithes; he rebelled against the law, and his name stands on the list of the persons who have been sued in the Court of Exchequer in Ireland, and over whom the law has triumphed. This is the man who has been made a Privy Councillor by Lord Melbourne!"

The objections to Mr. Wyse's appointment, were founded on the part he had taken in reference to the question of Education:—

"Who was Mr. Wyse? A man who has employed his talents—and they are great—his time and his influence, for many years, as chairman of what is called the Central Committee of Education, in ripening those schemes, out of which has arisen the present Government plan of education—that plan which passed through the Commons by a majority of only two—that plan which was so introduced to the House of Commons by Lord Melbourne's Government, that the co-ordinate branch of the Legislature, the House of Lords, could not reverse the decision—that plan, matured by Mr. Wyse, and which, when announced in the House of Commons, he was the first to welcome—he, a man who had always avowed himself an enemy to the Church, is the man chosen to fill up the situation vacated by Mr. More O'Ferrall."

Sir, I have now only to thank the House for the patient attention with which they have listened to me. While endeavouring to escape following on the same ground so ably trod by my right hon. Friend, the Member for Pembroke, I have endeavoured also to state the grounds why I have no confidence in her Majesty's Ministers. But, Sir, in stating those grounds, I believe that I also state the grounds upon which the great body of the people of this country have not, and cannot have, confidence in the present Government. And I do firmly believe, that if hon. Gentlemen were this night voting on their consciences, whether they had or had not confidence in the principles and the prudence, the foresight, the sagacity, and the energy of the present Ministry, and not whether from various motives they should or should not retain them in office, the result would be, that distinctly and clearly they would say, We have no confidence in her Majesty's present Ministers.

Debate again adjourned.

HOUSE OF LORDS,

Friday, January 31, 1840.

MINUTES.] Bill. Read a second time:—Prince Albert's Naturalization.

Petitions presented. By Lord Redesdale, from Gloucester, against any further Grant to Maynooth College.—By the Marquess of Bute, from three places, for Church Extension in Scotland.

NATURALIZATION OF PRINCE ALBERT.] Lord *Brougham* wished to ask a question of his noble and learned Friend on the Woolsack, relative to a bill of very great importance, which his noble and learned Friend had introduced into that House, and which stood for a second reading this evening. It was most important that a satisfactory understanding should prevail with reference to that measure, because it was one respecting which a strong feeling was entertained by many of their Lordships. Objections had been raised to one of the clauses of that bill, and the ground of those objections had been stated when the measure was last before the House. Now, however he might feel the force of those objections, he believed, at the same time, that every noble Lord, and he spoke of those opposite as well as those on that side of the House, felt that it would be unpleasant, invidious, and most painful to debate such objections, if it could be avoided, or to discuss the measure more than was absolutely and indispensably necessary. He, wished, therefore, to ask his noble and learned Friend whether he was disposed to make such an alteration in the clause objected to as would prevent unpleasant discussion? Whether, supposing the noble Duke opposite, and others who agreed with him in his views of the subject, were disposed to allow the second reading of the bill to-night, as they did not object to its principle, his noble and learned Friend would have any objection to state, that between this time and the commitment of the bill, he would make such an alteration as that to which he had alluded?

The *Lord Chancellor* took it for granted, that some precedence would be allowed to Prince Albert. He should, therefore, propose, that power should be given to the Crown to allow the Prince to take precedence next after any Heir-apparent to the Throne.

Lord *Brougham:* to continue during the life of her Majesty.

The *Lord Chancellor* said, he was not prepared to go further.

Lord *Brougham* was sorry that his noble and learned Friend was not prepared to go further than he had stated. At all events, it was clearly a case for committee. All were agreed, that the Prince should have some precedence, and it would be for the committee to say what that precedence should be.

The Duke of *Wellington* said, nothing could be more satisfactory to him than the course proposed to be taken. He fully adopted the opinion of his noble and learned Friend opposite.

Viscount *Melbourne* said, the best course would be for noble Lords to reserve their observations for the committee. It was very desirable that the bill should pass through that House as speedily as possible; and that all unnecessary discussion should be avoided, as it must give rise to a great deal of uneasiness and embarrassment. But for the opposition of the noble Duke opposite, the bill would have been in a more forward state.

Lord *Brougham* said, that so far from wishing to retard the measure, he had no objection to meet to-morrow for the purpose of expediting it. They would thus avoid interfering with the motion of the right rev. Prelate (Exeter) on Monday.

The Marquess of *Londonderry:* when this bill was last before the House, had put a question to the noble Viscount opposite, with respect to that clause of the bill which was objected to, and he now called the attention of the noble Viscount more distinctly to the subject, in order to get a direct and specific answer. The noble Viscount at that time stated to the House, and it would have gone forth to the country as a fact, if the matter had not been explained by the noble Viscount, in consequence of his question, that he had had communication with all the illustrious persons who were interested in the effect of that clause, and that they had offered no objection to such an enactment. Now, how did the fact stand? He demanded, whether the Heir-presumptive to the Throne was not more particularly interested in this matter than any other person; and he asked the noble Viscount, whether that illustrious individual had been consulted on the question? He must say that, as a Minister of the Crown, and the organ of her Majesty in that House, the noble Viscount had taken a very cool and off-hand course when he made such a declaration—certainly not founded on fact—seeing that the individual most interested in this matter had had no communication whatsoever made to him on the subject. He would remind the noble Viscount, that it was one thing to enable her Majesty to give precedence to Prince Albert over all their Lordships, over the Archbishop of Canterbury, and over all the Officers of State, but there was a great difference between doing that and conferring on her Majesty the power to grant precedence over the members of the Blood Royal—over all the illustrious Dukes—who, their Lordships could not forget, were the sons of George 3rd. When they considered what the country owed to her Majesty's Uncles, they ought to be the last persons who should be forgotten. Was the House of Brunswick, he would ask, to be set aside in this off-hand way, by the noble Viscount coming down, and saying, "Oh, we have made a communication to all the Royal Dukes, and they have offered no objection to this proposition?" The noble Viscount had stated distinctly to the House that he had communicated with all the illustrious persons concerned. [*Cries of* "*No, no.*"] He would be most sorry to state anything that had not taken place, but he had so understood the noble Viscount, and it had so gone forth to the world, and he was only anxious that the true state of the case should be known, because he was quite certain that the people of England went along with him. He wished the declaration of the noble Viscount to stand on record, and let the country judge of it. He had formerly stated, and should state again, that the Duke of Cumberland stood called to this Parliament by her Majesty's writ, and he would ask by what right any other person should take precedence of that illustrious individual.

Lord *Brougham* begged to interrupt the noble Marquess. If the noble Marquess had heard what fell from him, the noble Marquess must be aware that he had called for a postponement of the proceedings on the bill for the express purpose of avoiding debate.

The Marquess of *Londonderry:* The noble and learned Lord is always extremely ready to rise up and correct other people, but when others rise up to correct him, he does not receive it in good part.

Lord *Brougham* did not rise to correct anything that fell from the noble Marquess, but merely to explain what he thought the noble Marquess might not have been aware of. A conversation had taken place, and it was expressly agreed on both sides to take a certain course, in order to put an end to discussion, if possible. Perhaps such a communication would be made on Monday as would render all discussion unnecessary.

The Marquess of *Londonderry* requested their Lordships to judge between him and the noble and learned Lord. He rose in consequence of what had fallen from the noble Viscount, who had got up and charged the noble Duke behind him with being the cause of delay in proceeding with this measure. The noble Viscount said, "I intended to do so and so, only the noble Duke interfered." Now, he wanted to show that it was not the noble Duke who was the cause of the delay; but that it arose from the noble Viscount having come down in his off-hand and cool manner and made a statement to that House which was entirely foreign to the fact. He, therefore, took the earliest moment to guard against the possibility of that statement remaining uncontradicted. He would reserve what he had further to say until Monday; but as the clause giving the Crown the power of unlimited precedence stood in the bill, and as the principle was recognised upon a second reading, he could not allow it to take place without entering his protest against it. He was certain that the country was with him on that point.

Viscount *Melbourne* stated, that in the observations which he had made on a former evening, he had made no allusion to any communication with the King of Hanover.

The Marquess of *Londonderry* thought the Ministers of the Crown had done that which was extremely reprehensible, and had made as strange a proposal as ever came to the knowledge of that House.

The Duke of *Wellington* thought that he had formerly stated his reasons for the course which he had taken with respect to this bill. The question had been brought forward by surprise, and it was proper that the House should have a fair opportunity for considering it. He had refrained from discussion on a former occasion; and he conceived that the noble Viscount might have avoided bringing any charge against him in the present instance. The noble Viscount ought to have taken care to give the bill its real title, as it was not solely a bill for the naturalization of Prince Albert. The fault of the delay, then, was not his, but the fault of others. Under these circumstances, it was his duty to give the House an opportunity of considering its merits. He was not at all desirous to speak that evening on the subject. The very instant the proposition was made by his noble and learned Friend that the bill should be read a second time, and committed on Monday, he had agreed to it.

The *Lord Chancellor* said, that he should, on Monday, move for the suspension of the standing orders, in order to avoid the further delay which a compliance with them would create.

Bill read a second time.

THE SOCIALISTS.] The Bishop of *Exeter* wished to ask the noble Marquess, the Secretary of State for the Home Department, whether the superintendent-registrar of Birmingham (Mr. Pare), to whom he had on a former occasion adverted, still held that office?

The Marquess of *Normanby* said, that in consequence of the statements made by the rev. Prelate on this subject on a former occasion, he had felt it his duty to make some inquiries relative to it. For that purpose a copy of the charges made by the right rev. Prelate against Mr. Pare had been sent to the registrar-general. He held in his hand a copy of those charges, to which he begged to call the attention of the right rev. Prelate, in order that he might say whether or not they were correct. It was recently stated, by the right rev. Prelate, that Mr. Pare was superintendent-registrar of births, marriages, and deaths, at Birmingham, where he also officiated as vice-president of the Social Society; that he had a painted board over his office stating the fact, and that he performed his duties as vice-president of the Socialists in the same office, where he acted as superintendent-registrar, &c. He thought the registrar-general had taken a very proper course in this instance—namely, that of sending a copy of those charges to Mr. Pare. In answer to the inquiries which had been made, he learned that Mr. Pare had been vice-president of this society from May 1838, to May 1839, but he distinctly denied that he advertised the fact on the painted board over his door, which merely contained his name, and had no reference to any office held by him as a member of the Socialist Society; that in November last, he had taken the room which he now occupied as an office—that that office was in no way appropriated to the use of the Socialists; but that there were several other rooms on the same premises, one of which was occupied as an office by the Socialists, but not at all connected with the office which he (Mr. Pare) held as superintendent-registrar of births, deaths, and marriages. Mr. Pare, also, denied that he had been obliged to give up any office in consequence of the strong expression of public indignation; but had long since voluntarily resigned the situation of vice-president to the Socialist Society, with which he now distinctly denied having any connexion. He had, this day, received further information on the subject, and he found that since the month of June last, Mr. Pare had ceased to be an officer of this society, or to have any connexion whatsoever with it. Mr. Pare could no longer, therefore, be justly described as an active agent of the society. He should have another opportunity of stating his views with respect to the whole subject when the right rev. Prelate brought forward his motion; but he should now say, that he had looked over the rules and regulations as they were enrolled, and if the members were bound to nothing beyond them, nothing could appear to him to be more unobjectionable. What their doctrines might be was another question; but he understood from Mr. Pare, that the members were bound only by those rules.

The Bishop of *Exeter* thought it would be in the recollection of their Lordships, that besides stating that Mr. Pare had been vice-president of the association, he had also said that he had been an active person, and that he had presided at meetings where various lectures had been given. Now, on the mere circumstance, on the admitted fact, that this individual, being superintendent-registrar of the district of Birmingham, was also vice-president of the Socialist Society till the month of June last—on that statement, he rested his charge against the noble Marquess. Looking to the principles which were charged on that society, it was the duty of the noble Marquess to take care that a member of it, a conspicuous member too, should not hold a public office of this nature. Till he quitted the office of vice-president, in the month of June last, Mr. Pare had been a most active member of the Socialist Society. He found, from information which he had received, that that individual, who represented himself as now no longer a member of the association, had been its most active agent, not excepting Mr. Owen, till about the time the noble Marquess had mentioned. He held in his hand a publication of the society, containing the proceedings of the fourth congress of the association, held in May last, and on an examination of those proceedings, it appeared that Mr. Pare had, in May last, taken the chair six times, was appointed on committees or deputations twenty-one times, moved or seconded sixty-one resolutions, and addressed the congress ninety times, in addition to any speeches which he made in moving or seconding propositions. The congress sat only seventeen days in May last; therefore, this learned member must, on an average, have spoken five times each day. Now, to show the nature of the lectures at which Mr. Pare presided, he (the Bishop of Exeter) would read to their Lordships the testimony of a rev. gentleman whose name he should have the honour to communicate to the noble Marquess, if such was the noble Marquess's pleasure, but which he did not wish to make generally public, for reasons which must be obvious to their Lordships. His correspondent stated as follows:—

"Mr. Pare, the registrar, was generally present at those meetings, often took the chair. The first evening I attended the subject was 'The falsehood of the Bible.' The object of the lecturer (a Mr. , a popular surgeon dentist here) was to prove the book a human invention, a tissue of lies, imposture, and wickedness. This argument was further developed from the innumerable contradictions of the book, from its absurd statements, ridiculous doctrines, &c., that, for instance, of 'the thing which Christians call God' being generally described as a great animal, or anthropomorphyle of feelings, and passions, and actions like other animals; and that such was the general notion, tone, and language of—from its statement of man's depravity—a doctrine which they, the audience, knew was false. The subject matter of the next lecture was, 'The vicious, irrational, and oppressive system of society,' which was traced to the doctrine of man's responsibility, the religion of the Bible, human laws, the priesthood, private property, the marriage system, delivered to an audience composed, for the most part, of the working classes, women with children in their arms, boys, girls, with affecting appeals on their slavery and wretchedness in consequence of the system. This was closed with an announcement from the lecturer, the said Mr. ——, that the subject of the ensuing lecture would be—'That there was no God.' I took care to be present. Pare presided. The aim of the lecturer was to show 'that the marks of intelligence and design,' as they were called, 'in the things of creation around us, were no proofs of intelligence, or of an intelligent designer,' and the whole, as usual, was accompanied and wound up with a warm and impassioned appeal to the audience, which was very numerous, the chapel being quite crowded, 'to seek their heaven here, as they could be sure of none elsewhere.' Man is, therefore, necessarily irresponsible to any power, human or divine, if there be such, for what nature and society have made him. In all these meetings at Lawrence-street chapel that I was present at, four successively, Pare presided, and every thing done in them seemed to be entirely under his management and control. Indeed, he was quite the Coryphœus of these social orgies. These, my lord, are a few of the leading particulars of the meetings which I attended. To have a due sense and impression of the horrible things uttered in them, a personal presence is necessary, as it is quite impossible to describe the lies, the misrepresentations, the partial extracts from authors, the misconstructions put upon them. The defence set up for the infidels of past times, such as Mirabeau, Robespierre, Voltaire, &c., the general ribaldry and blasphemy with which they were accompanied, and the appeals that were made to the poor and ignorant audience, 'On the evils of the present social system, on the oppressions of the rich and higher orders over the lower—on the cruel and sanguinary system of laws against irresponsible beings, whom these very laws thus vitiated—on the expense which the lower orders only bear, they being the basis of the whole social system'—of maintaining a Government, standing armies, hosts of judges lawyers, priests, &c., in order to keep up the present irrational wicked, diabolical system, itself the very source and cause of their misery. These are facts, my Lord, upon which you can rely, and which I am ready and willing to de-to. P.S. After writing the above, I recollected a remarkable fact, which deserves to be communicated. It is this:—In order to bring the question of man's responsibility prominently before the persons assembled in what I considered a practical point of view, I put the following interrogatory to the lecturer at one of the meetings:—Was the murderer of the late Lord Norbury responsible to society or not for that act, according to the doctrine of Socialists? And the answer from the lecturer on the platform was, 'Certainly not; decidedly not'—an answer which was received by the meeting without a mark of disapprobation, except by a few friends who accompanied me."

Such was the character of the meetings at which the superintendent-registrar, Mr. Pare, attended, and took a prominent part; and he was ready to prove it to their Lordships, or to the noble Marquess, on the testimony of competent witnesses. The fact of this man having been vice-president at such meetings rendered it indecorous, if not criminal, on the part of the noble Marquess should he not be put out of office, and if some steps were not taken upon the subject. Unless something were done, he should feel it a duty to make some motion that would affect a higher quarter.

The Marquess of *Westminster* wished to know the date of the letter?

The Bishop of *Exeter*.—The 28th of January.

The Marquess of *Normanby* had already stated that the matter was at present the subject of inquiry, as Pare's explanation had not been deemed satisfactory, and it was therefore that he had been summoned to London that further inquiry might be made. He had also stated to their Lordships the answer of Pare, in which he gave a direct denial to all the details on which the right rev. Prelate relied. Notwithstanding this denial, he the (Marquess of Normanby) wished to ask Pare some further questions with respect to these proceedings, and for that purpose he had been summoned to town. Pare in the answer which he had already given, denied that the objects of the Socialists were those which the right rev. Prelate had imputed to them. For his own part, he would only say that if the right rev. Prelate would put the letter in his hand, if the case contained in it could be made out, and if it were shown that such monstrous and atrocious doctrines were urged in the presence of Pare, with his assent or without his disapproval, he had no hesitation in saying that such a person was most unfit to hold the situation of superintendent registrar. If, as was stated in the letter to the right rev. Prelate, clergymen heard such doctrines broached, it was their duty to communicate the information to the Home-office, but as they had not done so, on them rested the blame that Pare had been retained in office so long. If the writer of the letter were sincere in his intentions of discountenancing such doctrines when he put the letter which had just been read into the hands of the right rev. Prelate, it was obvious that he had not adopted the best mode of proceeding, for time had been lost in the course which had been pursued. Unless magistrates and others interested in protecting the peace and promoting the morals of society communicated matters of this nature to the Home-office, they must of course occur without the knowledge of Ministers, who were not, therefore, to blame, having no machinery by which to procure the necessary information. When any communications were made to the Home-office, they were always promptly attended to, and every requisite explanation was required. This was the course which he ever had pursued; it was the course which he ever would pursue, and no one could be more desirous of instituting inquiry when, as in the present instance he considered that investigation was called for.

Lord *Abinger* wished to know, if the charges were well founded, whether information would be given as to who recommended Mr. Pare, and on what grounds he had been recommended?

The Marquess of *Normanby* said, he was considered to be a highly respectable man in his neighbourhood, and at the time of his appointment he was not connected with Socialism.

Lord *Ellenborough* observed, that the letter of the clergyman stated that he was accompanied by several of his friends, and therefore the allegation did not rest on his own testimony solely.

The Marquess of *Normanby* considered that the right rev. Prelate's correspondent would have better performed his duty had he made the communication to his own Bishop or to the Home-office.

The Bishop of *Exeter* felt himself called upon to defend the rev. gentleman whose letter he had read from the attack of the noble Marquess, who charged him with a neglect of duty in communicating with the Home-office. If a resident clergyman in such a town as Birmingham were to communicate to the Home-office any outrage on society or morals which might be committed there, the place would soon be made too hot to hold him. The rev. Gentleman had not written to him for the purpose of making an accusation in that House. The information, as he had already stated to their Lordships, had reached him through another quarter, and he never had any communication with the rev. gentleman until he received the letter yesterday, in consequence of having expressed a wish to the gentleman who gave him the first information that he might be furnished with fuller details. He would ask the noble Marquess whether any information on this subject had been forwarded to him by any of the magistrates whom he or his predecessor had appointed to protect the laws, the morals, and the religion of the country? If such proceedings were going on through the country, the magistrates must be very negligent not to be made aware of them; and if they were aware of them, they were still more blameable in not making the necessary communication to the Home-office. If the magistrates neglected to do their duty, was it not right in one of their Lordships to call their attention to the subject? This question was not as yet set at rest. It would be introduced on another night, and he was rejoiced at the different tone which had been adopted from that taken on Friday evening.

Subject dropped.

FRENCH OCCUPATION OF MINORCA.] The Marquess of *Londonderry* wished to ask the noble Viscount (Melbourne) a question of considerable importance relative to a discussion which had taken place a few evenings since. He wished to know if her Majesty's Ministers had any information respecting the military occupation of Minorca by France, or of the establishment there of naval and military hospitals?

Viscount *Melbourne* was understood to say, that he could give no information on the subject, more than that he understood they were possessed of some small island off Minorca, which was principally used as a depot for coals.

The Earl of *Ripon* wished to know how long they had had possession of that island?

The Earl of *Clarendon* said, it had been occupied four or five years. It had been originally made over to the United States by Spain, and thence passed into the hands of France, but the Spanish authorities were satisfied with the sureties which had been given.

The Earl of *Ripon* wished to know whether there would be any objection to producing copies of those?

The Earl of *Clarendon* said that some of the papers were confidential, but as they had passed through his hands, he could assure his noble Friend that they were perfectly satisfactory. So far as he (the Earl of Clarendon) was concerned, he should be very glad that they should be produced.

Lord *Lyndhurst.*—That will be the better course, and then we can judge for ourselves whether they were satisfactory or not.

The Marquess of *Londonderry* hoped there would be no objection to lay the papers before the House, because the occupation by the French of Minorca had produced a very strong impression upon the people there. He felt very great difficulty in getting from her Majesty's Government any information relative to the foreign affairs of the country. Some time since he had requested that the convention of Bergara should be laid upon the table, and he understood the noble Viscount to have consented to its production. It had not yet been produced, and he therefore gave notice, that he would move an address to her Majesty that there be laid before the House copies or extracts of any communications which may have passed between her Majesty's Government and the Court of Spain between the 28th of July last and the present time, relating to the convention of Bergara, together with a copy of the said convention.

HOUSE OF COMMONS,

Friday January 31, 1840.

MINUTES.] Bill. Read a second time:—Prince Albert's Annuity.

Petitions presented. By the Lord Mayor, etc., from the City of London, for the Liberation of the Sheriffs.—By Sir B. Hall, from Marylebone, for the Establishment of Local Courts.—By Mr. W. O. Gore, from Market Drayton, for Security to the Protestant Church on the approaching Marriage of her Majesty.—By Messrs. A. Yates, and Fitzsimon, from a number of places, for the Extension of the Franchise, and Corporate Reform in Ireland.—By Mr. Baines, from Leeds, for Inquiry into Socialism.—By Lord G. Somerset, from Monmouth, for Church Extention.—By Mr. French, from several places, for Medical Reform.—By Mr. Ward, from Sheffield, and another place, for the Abolition of Church Rates, and the Liberation of John Thorogood.

OFFICERS ATTENDING POLITICAL MEETINGS.] Colonel *Thomas*, seeing the hon. and gallant Gentleman, the Member for Brighton, in his place, begged to ask him whether he meant any personal reflection upon him (Colonel Thomas) in the following observations, which he found attributed to the hon. and gallant Officer in the *Morning Chronicle*'s report:—

> "Captain Pechell said, that he challenged the right hon. Baronet to point out any instance where any naval officer, either on full pay, or on half-pay, had remained at any meeting, where unworthy threats, or coarse personal reflections had been made use of towards the Sovereign. He was happy to say that no instance had occurred of any naval officer, either on full or on half-pay, having received any reprimand from his superior officers for remaining at any meeting when such unworthy observations had been indulged in."

He had been present at a dinner where such expressions were alleged to have been made use of; but he had already declared positively that no such unworthy expressions towards her Majesty had been indulged in within his hearing. This statement had been in all particulars confirmed by the officers of his own regiment, who were present, as well as by another officer, belonging to a Dragoon regiment; and furthermore, by Mr. Roby himself, the gentleman to whom those expressions were ascribed. He begged to ask of the hon. and gallant Gentleman, whether he meant to say of him, that he had been present when such expressions were used?

Captain *Pechell* said, that he was always very ready to make any explanation, when the feelings of a gallant Officer were concerned. It was not exactly for him to say whether the words attributed to him in the *Morning Chronicle* were the words which had been used by him or not. It had been said during the course of the previous debate, that the same course ought to be pursued with reference both to the army and the navy; and his reply was, that if any officer of the navy had been in attendance at any meeting where disrespectful language had been used towards the Sovereign, he should be happy to have the instance pointed out. But the gallant Officer was not present at any such meeting, and therefore his observations did not apply to the gallant Officer.

Colonel *Thomas:* I beg leave to say that what I stated was, that I was present at that meeting, but that no such language had been used.

Subject dropped.

CONFIDENCE IN THE MINISTRY—ADJOURNED DEBATE—FOURTH NIGHT.] The order of the day for resuming the adjourned debate having been read—

Viscount *Morpeth*[*] said, after the speech which the noble Lord (Stanley) delivered last night, though I am most fully aware of the immense disadvantage to which I must expose myself in attempting to follow the noble Lord, and conscious of the immense superiority of his powers of debate, I did rise for the purpose of shewing you, that notwithstanding I might have shrunk from all competition with him in those respects, yet that I did not shrink from the subject, or from the merits of the case with which we have to deal. However, Sir, the House very naturally shewed that it was not disposed, at that hour, to listen to such a successor to the noble Lord, and it has, consequently, afforded me the opportunity of considering the question, and questioning myself as to the weight which ought to be given to his representations. The noble Lord has stated very fairly, and boldly, as I must say, he was sure to do, the question with which the House has to deal. He has stated, that it is not confined to the question which my right hon. Friend, the Judge Advocate, rejoiced to have raised, whether the present Government has the confidence of the House, but that it would also indicate that the Gentlemen who filled the benches opposite are prepared to take the Government. Now, Sir, I also rejoice that this option is fairly to be put to the Parliament and the people, and that it is to be proved whether they do really pant and languish, as the noble Lord expresses and flatters himself, for their advent to power, and for the blessings which may be expected under their sway. I also rejoice, with the noble Lord, that, by the results of this vote, all parties in this House will stand plain and unmasked, and that they will have to intimate, by the vote which they will be bound to give, to which of the two parties in the State they think it advisable that the powers of the State ought to be entrusted. Now, the noble Lord, in the course of the very effective speech which he made last night, I think, laid the main stress of his argument in common with his right hon. Friend, the Member for Pembroke, who preceded him the evening before, embracing, as they did, many collateral points, and various side-blows; but the main staple of their line of attack on the Government was this, that many Members of this House support the Government who go much further in politics than the Government itself. Now, Sir, it is not my intention, or my wish, any more than it is in my power, to deny the position. It has been so from the beginning—ever since the formation of the present Government; and if I do not greatly forget the composition of the majorities during the Government of Lord Grey, it was eminently the case with that Government when the noble Lord and the right hon. Baronet cordially acquiesced in the support of many Gentlemen in this House, and of large bodies in this country, who, undoubtedly, went much further in politics. It is, no doubt, true, that the hon. Member for St. Albans, and the hon. Members for Finsbury and Dublin, or the hon. Member for Kilkenny, do wish to carry particular views much further than the present Government. And the result, according to the noble Lord, seems to be, that we ought to turn round and say to to them, Gentlemen, on no account commit the immorality of voting that we possess your confidence, but, as you have votes, and must give votes, and those votes may turn the scale in the division, give them to the Gentlemen opposite, and make them the Ministers of the country. Both the right hon. Gentleman opposite, and the noble Lord seem to claim, with considerable satisfaction, parts of the speech of my noble Friend, the the Member for Northumberland. They admitted, indeed, that they could not claim all. They claimed some of his premises, but gave up to us the benefit of his conclusions. Thus, as the hon. Member for Maidstone (Mr. D'Israeli) said, if we are a weak Government, we have the perquisite of weak Governments—we have the oyster, and they the shell. I regret the defections from the Ministry, to which my noble Friend adverted, especially his own Colleague, my hon. Friend, the Member for Halifax (Mr. Wood). I think their abilities, industry, and virtue well make a loss, a sensible injury to the public service. But my noble Friend did not anticipate, that there would be necessarily any point of difference between us. When the present Ministers abandon opinions, then on them will be the responsibility—it will be for them to account for the abandonment; and if it should appear, that it has taken place on improper grounds, from impure motives, then on them will be the shame of that abandonment. But till those things take place, my Friend, and every other hon. Gentleman, for whose verdict they cared, will reserve their condemnation. True the present Government have some open questions, and this is one of the fearful engines of attack directed against us from the opposite side, an accusation we quietly admit, and which we do not dream of. If to make the Ballot an open question—if not to be prepared to admit any modifications of the Corn-laws—I admit, if those two circumstances disentitle us to the confidence of the House, then this vote should go against us. And I may here remark, in passing, that I think there lurked in the two speeches we have heard from the right hon. Baronet and noble Lord, some intention on their own part of proposing certain alterations in the Corn-laws as they at present existed. I admit, that they said, that they should always maintain protection for the agriculturists, and they should also support a graduated duty. Now, undoubtedly, a graduated duty is a material ingredient in the principle of the present Corn-laws; but I very much question whether a great many of those who sit behind the noble Lord would not think the amount and proportion of the scale a very material element in the consideration of the question. But I own, Sir, I think it is somewhat preposterous to hear so great a theme made of open questions from the benches opposite, from those persons; and this does not apply so much to the noble Lord and right hon. Gentleman, as to the main body of their present adherents, who, for upwards of a score of years, made not the question of a preference between open and secret voting—not the question of the "bread that perisheth," but a question, as they themselves have been at all times telling us, which, in their opinion, went to the welfare, and even the existence of the Protestant religion, an open question. Perhaps, Sir, this is akin to the policy which has endeavoured, with the exception of a short parenthesis in the speech of the noble Lord, to keep the whole subject of religion most unwontedly, and almost for the first time, quite out of view in this discussion. I shall take the liberty of adverting to that point before I conclude, and also to the justice of the pretensions which the noble Lord has put forth as to the Gentlemen who sit around and behind him, that they constitute one great individual party. Now, the noble Lord says, besides assuring us that he and the Gentlemen who sit around him are ready to undertake the Government—he tells us that if they lose the vote of to-night (and here I think that he fully expressed a coincidence of opinion with the hon. Member for Droitwitch, who regrets that the question was not brought forward last year, because he thinks they might have carried the vote then, while he has very prudent misgiving as to the issue of the present measure, and I may be allowed to express a hope, that every succeeding year we shall become stronger and stronger, and that we shall grow in favour as in years)—he tells us, that besides being ready to undertake the Government, if they should be foiled in the present assault, the course they would pursue would be to watch, direct, control, and obstruct the Government. [Lord *Stanley* made an observation across the table.] These were the words, for I took them down at the time. The great climax ended, after saying, that he should watch, direct, and control, with the word "obstruct." I must say, I do not doubt either their talents or their goodwill in that department; they have already frequently tried their hands at it with considerable success, and have repeatedly found most valuable auxiliaries elsewhere in the good work. The noble Lord has further said that the Government lays claim to the confidence of the public, not for what it has done, but for what it has undertaken to do. I do not mean to deny, that the Government has proposed and introduced many measures which they have not been able to carry. Whether the principle of obstruction which, in those cases, was brought into play, was always dictated by public spirit, could always be justly referred to patriotic motives, or always ended in the public good, it is not for me to decide; no doubt it has been highly detrimental to the best interests of the public service, but this result is not, perhaps, so much to be attributed either to the demerits of the Government, or to those of the opposite side in politics, as to the balanced state of parties, and I greatly question if the substitution of the hon. Gentlemen opposite in the place of ourselves would effect much of a cure in this particular. But yet this Government, with a scanty majority in its favour in this House, and an enormous majority against it in the other House of Parliament, has introduced and passed measures of the greatest magnitude and importance. I may mention the measure for the reform of the English Corporations as one of these. I may refer to the measure of the Commutation of English Tithes, aided and assisted, I do not deny, by men of all parties; but I put it to the House, whether on a subject of such vital importance there was ever exhibited—[*Immense cheering from the Opposition which drowned the conclusion of the sentence.*]—At all events it is the first Government who ever encountered the difficulties of this question—who ever carried through Parliament, or suggested to the attention of Parliament—which I contend was the only permanent mode of settling the question—a compulsory settlement in contradistinction to a voluntary one; and they have further carried a measure which, in my opinion, in its deep and pregnant consequences, outweighs centuries of ordinary legislation, whether these consequences be for good or whether they be for evil; and from all the information I can obtain I verily believe they will be for good—I mean the establishment of a system of Poor-laws in Ireland. And this I mention in reply to the taunts of the noble Lords opposite, that the Government has been unable to carry any measure of importance; and in reply I mention measures, not of transitory or trivial importance, but measures the effect of which will be felt for ages yet to come. Nor will I omit the consideration of the Irish Tithe Bill, but most distinctly avow my participation, and shrink not from responsibility in any thing contained in the Appropriation Clause. I think it a misrepresentation to say that the Government of the right hon. Gentleman (Sir R. Peel) was displaced merely on account of the Appropriation Clause. The opposition with which the Government of the right hon. Gentleman was met, and the difficulty by which its whole course was impeded, extended for the whole duration of that Government. And the reason we thought the right hon. Gentleman ought not, with all his high qualifications, to be Prime Minister of this country, was that, with the principles he professed, he did not command a majority, either in the House of Commons which he dissolved, or that which he assembled; and I think, that if the same state of things should arise at present, and an abiding majority of this House should declare on the side of the right hon. Baronet, he would be justly and immediately entitled to succeed to our places. But with respect to the Appropriation Clause, I think, that if there was a principle just, wise, and politic, it was contained in that clause which we introduced into the Tithe Bill; and we, moreover, declared, that no bill for the settlement of the Tithe question would be satisfactory without it. For four successive years, we did our best to carry the House with us in that view, but we failed to do so. I admit the failure, the abandonment of the appropriation clause, and the inconsistency with our previous declaration. What was the motive which led us to adopt this course? It was to avoid the risk of further bloodshed in Ireland, and to secure peace to that country. I find I stated at the same time of the motion of the hon. Member for St. Albans:—

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[*] From a corrected report.

"That after the unsuccessful attempts of four successive years, it became our duty to do our best to terminate the agitation, collision, and estrangement of the clergy, Catholic and Protestant, without risking further bloodshed, by the settlement of the Tithe Question in Ireland."

And I added:—

"As far as the interests of Ministers is concerned, it would, probably, be better for them to leave it in the same as during the last three Sessions of Parliament, but the point to consider was, whether it was for the good of the people of Ireland so to leave it."

At that time, there was no remonstrance or rebuke directed against us for the course we then adopted, from the other side of the House; on the contrary, what were the words at that time of the right hon. Baronet, the Member for Tamworth:—

"I am not about to censure the course which the noble Lord has so manfully taken; a course, I think, the best adapted, looking at the difficulties with which this great question is surrounded in Ireland, to secure the peace of that country."

Contrast the tone of these declarations with those of the speech of the noble Lord and the right hon. Baronet last night. Did they not represent the conduct which the right hon. Baronet had described as manful, as the very climax of dishonour. We find in the conduct of those who constantly opposed us, a difference — a very wide difference—from that of he noble Lord and the right hon. Baronet, but then, to be sure, they always sat opposite us, and have never crossed over from our ranks. The right hon. Baronet says, that the adoption of the measure secured the peace and contentment of Ireland. Well, then, such being the case, I shall never repent the part I have taken, and I will leave the other side to enjoy the triumph, if such they consider it, of having compelled the Government to deny the assertion of their principle. The noble Lord, after touching on these high points of policy, condescended to speak on the subject of Irish railways. I certainly admit, that I did bring forward a proposal on the subject last year, which I expected would be adopted by Parliament. I thought its benefits so manifest, and the objections so slight, that it would secure a general acquiescence; but in that I was disappointed, and it was very much at the concurrence and at the suggestion of those who sit on the same benches with the noble Lord that I consented to withdraw that measure till the present Session. But then the noble Lord makes it a matter of charge, when I was asked, the other night, whether I intended to renew the subject in this Session, that I stated, that this must depend on the prospect of support I should receive from the House. What would the noble Lord have me say? Would he have me to say, that I would introduce no such measure, when I firmly believed it was calculated to do great good? Would he have me say that I would introduce it at all hazards, when his main charge is, that we bring forward measures which we cannot hope to carry? Sir, I should have thought, the noble Lord would have been more inclined to show indulgence to abortive propositions. I think I can remember a loan of 15,000,000*l.* speedily converted into a gift of 20,000,000*l.*, though I can sincerely say I hope the noble Lord may to the end of his days, wear unsullied the glory of that great measure. There was also an important clause, known and well remembered as the 147th clause of the Church Temporalities' Act. Having launched that clause into existence, he then consented to its withdrawal. I think I can likewise remember, Sir, a celebrated Arms Bill which was introduced by the noble Lord; and on the 8th of the same month he stated that he had received several communications from Irish Members, and that, in submission to their opinion, he had been induced to abandon the clause providing that persons possessing unregistered arms should be liable to transportation, "though," at the same time, the noble Lord said, "he did not think these were times when precautionary measures as to the importation and possession of arms should be relaxed." He, like his successors, can abandon measures which he yet thinks of vital importance to the country's welfare. But what was the view which the right hon. Baronet the Member for Tamworth, took of this withdrawal? *Concordes animæ nunc et dum nocte præmuntur,* while they sit on the opposition benches. The right hon. Baronet said, he considered the course which the noble Lord had taken most improper—in first bringing forward a measure without due consultation, and then in abandoning it without discussion. Now, Sir, as to the noble Lord's animadversion on the adoption of the Penny Post, I am willing, if he pleases, without further discussion, to go to the country, or to the House, on the merits of that measure. Supposing, even, it should be necessary to impose some other tax, I am quite willing to take the responsibility of having concurred in a measure reducing postage to one penny for all her Majesty's subjects. The noble Lord said, that with regard to the Chartist insurrection, the Government had vaunted itself on the absence of prosecutions. If the noble Lord had attended to the speech of my hon. Friend, the Under Secretary for the Home Department (Mr. Maule), a speech containing as much, if not more, of pertinent matter, than any other speech on either side the House—the noble Lord would have found, that if there was anything on which the Government "vaunted" itself, it was on the number and success of the prosecutions, for my hon. Friend informed the House that out of 290 prosecutions which had been instituted, 232 convictions had been obtained. I am not dissembling from myself, and her Majesty's Ministers do not dissemble from themselves, the grievous and lamentable character attaching to the Chartist outbreaks and Chartist insurrections. Her Majesty, in the gracious speech which she addressed to this House, at the commencement of the Session, expressed how deeply she deplored the excesses which had stained and disgraced several portions of the country, and the treasonous practice which had incurred the recent condemnation of the law. It is plain there will arise excesses which no Government can at all times anticipate, and that they cannot be made at all times responsible for the traitorous spirit which give rise to the overt act. It is to the mode in which they encounter those lamentable crimes when they do occur, that their responsibitity mainly attaches, and I will not here go over the ground which I think was so successfully trod by my hon. Friend the Under Secretary for the Home Department, in contrasting the conduct of the present Government with the Government who held the reins of power in 1817, 1818, and 1819, but I cannot on this subject refrain from reading an extract from a letter, which I have received from a most intelligent gentleman who is intimately conversant with the spirit which exists in the manufacturing and disaffected part of the country. As I do not give the Gentleman's name I cannot ask the House to attach any authority to the letter except what may be attached to the opinions he expressed. He says—

"That during the New Poor-law, Ten Hour's Bill, and the Chartist agitation, Government have acted with that combined moderation and firmness which evidently becomes a conscientious Government. Their forbearance has been wise. We have seen demagogue after demagogue expire, and combination after combination break up amid the quarrels of its members and public scorn—we had the late National Convention as a proof of this. Had the Government been more disposed to punish, the Chartists would have been more malignant; but as it is, the Chartists orators have not dared to charge the Government with tyrannical conduct. Thus when Government has interfered it has carried public feeling entirely with it, which it would not have done, had it previously put down popular meetings, and enacted laws restrictive of liberty."

The noble Lord has ventured to come upon that ground upon which I should be most anxious not to stand in disadvantageous contrast with him, and has asked whether the present Ministers have the confidence in Ireland. It is the noble Lord that asks whether the Government have the confidence of Ireland, and he asks of what parties in Ireland have they the confidence. Perhaps I may say the different parties in Ireland are divided into three sections. The Ultra-Protestant — the moderate Liberal party, and there is the great bulk of the High Catholic party. The present Government does not possess the confidence of the Ultra-Protestant party. It shares that misfortune with the administration of the noble Lord. Mr. Dawson on the 24th of January, 1832, when the noble Lord opposite had been two years Secretary for Ireland, began his observations thus:—

"Ireland is in truth without a government."

That was, when I suppose Ireland was panting and languishing for what might be called a Government, a nominal government. The Government of the noble Lord—

"Is a laughing-stock to the Catholics, and an object of aversion and disgust to all the Protestants. I do not think that there is a person of the least judgment in the country who would bestow on the Government his approbation of the conduct they have pursued during the last few months. I think the conduct pursued towards the magistrates of Ireland had been disgraceful to the Government, and has completely shaken the confidence of the respectable classes in the prudence of those at the head of affairs to preserve tranquillity."

Was he single in his opinion? I find another speech from Sir Robert Bateson, the present Member for the City of Londonderry, and I find that he said—

"Both parties in Ireland, Roman Catholics as well as Protestants, are dissatisfied with the conduct of the present Government. The only persons who are not displeased with it are the dependents on the Castle of Dublin, who, I need hardly observe, constitute a very small portion of the people of Ireland. The conduct of the Irish Government has alarmed and disgusted the thinking portion of the people of Ireland. It is not now a question of Protestant ascendancy, but of Papist ascendancy. There appears to be a determination to rule the country according to the beck and nod of a particular party. It is a faction, and a set of political and religious demagogues who rule the Government of the country. Equal justice is not administered to both parties; the people are driven from their country. If the Government continues to pursue its present policy, all the respectable portion of the community will be expatriated. The Protestants feel that Government do not afford them sufficient protection to enable them to live with safety in the country. The population of Ireland is now armed, one part against the other, and they must soon come into collision; and the communications from the magistracy to the Government on these matters, receive no other answer than that of a contemptuous silence."

Then we come to the next party, and I ask, do we not possess the confidence of the bulk of the Catholic party, who are the bulk of the people of Ireland? I think I need hardly ask the question—Is it the moderate liberal party of which we do not possess the confidence? Is it the party headed by a long list of noblemen and gentry? Is it such men as the Duke of Leinster, the Earl of Charlemont, the Earl of Munster, the Earl of Meath, Lord Carew, or many others that I might name? But I have stated these, because they were all men who were honoured with the friendship, and reciprocated the hospitalities of the noble Lord, when Secretary for Ireland. Now, I take it upon me to say, that this party, and those men, repose confidence in us, and have withdrawn it from the noble Lord opposite. I want the House and the country to determine whether it is that a change has come upon the principles and conduct of the Noble Lord, or upon the principles, or conduct of all those independent and high-minded men, whose names I have just given to the House? It certainly is clear, from the whole course of the debate, both from the speeches that have been made, and from the absence of other speakers, that the affairs of Ireland have been far less prominently brought forward than almost any other topic, or than upon almost any previous occasion. At this forbearance I own, whatever gratitude or pleasure I may feel, I feel no surprise. They have undoubtedly been passingly and slightly alluded to, and indeed, they could not be wholly omitted in a question, which has for its subject matter, the general conduct of the Government, and the general state of the country. But prominently and unceasingly as the affairs of Ireland have been brought forward on all previous occasions, in any way affecting the general character of the Government, which is now formally arraigned for its entire conduct and policy, however it may be the clue on the other side to pass it over slightly and gingerly now, I do feel that I cannot refrain from adverting briefly to that topic. And connected, as I am, with the Government of Ireland, and having had to take a large share in its concerns, I may say here, that I take no shame for the present state of affairs in that country. When the concerns of Ireland had been previously the subject of discussion in this House (although I trust I never improperly shrunk from repelling any attacks which I conceived to have been unjustly made, or from stating my opinions upon the actual state of affairs there), it so happens that I never originated any boast, nor ever challenged any credit for the comparative state of tranquillity for the time being. I felt how much there was that could not be referable to the mere agency of any Government, or the conduct of any Ministers. I felt how many disturbing causes were always at work in such a composition and state of society, and how easily might the speculations of the one day be overthrown by the results of the next. However, Sir, whatever may be the issue of the present motion, or whenever we have to transfer the duties of the Government to other hands; be that soon or late, I can only say, that I can form no fonder wish, either for the sake of our own reputation, or for the sake of the hon. Gentleman opposite, or, I trust, what I value more than either, for the sake of Ireland itself—I can form no fonder wish than that the discharge of these duties may be as useful and as satisfactory in their hands, as I conscientiously believe they are in ours. The hon. and learned Member for Coleraine, who is, perhaps, the only Member who has addressed himself to the Irish part of the question, stated, that he would not question any part of the conduct of the Government till within the period of the last six months, and that he would put aside all returns and official documents. Sir, I shall be glad to follow him in that example. The question, upon a motion like this, must turn on great principles and broad results. What is the present state of Ireland—what is the main principle of our policy, I wish to put to issue, and on which I wish to call for a verdict. No doubt, if there was a laborious ransack into the proceedings of five long years, irregularities and mistakes may be found—a wrong person may have been appointed a chief constable, or a wrong man may have been let out of prison; but if the present state of Ireland is beyond all precedent tranquil; if the key-stone of our policy is, as I conscientiously believe it to be, the impartial administration and vigorous enforcement of justice between all creeds and parties, and an anxious and persevering, although, I must confess, not always a successful, endeavour to raise Irishmen, in point of rights and privileges, to an equality with their British fellow-subjects—if that is the state of Ireland, and the guiding principles and spirit of our policy have been such, I feel proof to all your sneers and clamours, and I leave everything else to the evidence of facts, and the appreciation of a liberal and intelligent people. Sir, I observe that the question of the withdrawal of troops from Ireland seems to give particular umbrage to the benches opposite. However, the House will, perhaps, bear with my just enumerating the numbers of late years, and the amount withdrawn. The return in my hand goes back a good many years, but perhaps it will be sufficient to begin with the year after the services of the yeomanry were dispensed with. The last year they were employed was in the year 1831, when there was, of regular military troops 16,000, and of yeomanry 27,000, making a total of 44,000 men. In the subsequent year, the services of the yeomanry were dispensed with, and I find, that in 1833 the number was 24,000; in 1834, 23,500; in 1835, 19,000; in 1836, 17,000; in 1837, 18,000; in 1838, 17,000; in 1839, 16,000: and in 1840, 14,000. Of the troops withdrawn from Ireland since last March, there were of the

1st Dragoon Guards 200 men, and of other regiments, of cavalry and infantry, draughts amounting in the whole to 3,494 men. In the course of the debate, the noble Lord, the Member for Tyrone, has spoken with that grace and good humour of which he cannot divest himself, but without that Orange symbol of which I am glad he has divested himself. That noble Lord has stated, that the reduction in the amount of troops in Ireland has been made up for by additions to the constabulary force. Now, the constabulary force had not attained anything like its present state of organization until about the year 1828, at which time the number of the force amounted to 5,284. In the year 1832, the amount of the force was 6,264; in 1833, 6,867; in 1834, 7,110; in 1835, it amounted to 7,046; in 1836, to 7,200; in 1837, to 7,944; in 1838, to 8,044; and 1839, to 8,370; so that, during the period the present Government has been in office, the army in Ireland has been reduced from 19,000—if I were to take the amount from the year before the Government took office—I should say from 21,000 men to 14,000; that is to say, the army has been reduced by 5,000 men, while the increase to the constabulary force, during the same period, amounts to 1,200 men; and I will put it to the sense of the House whether, if an increased force is considered necessary, it is not much more desirable that such increase should take place in a force like the constabulary force, rather than in the regular army? I will further take upon myself, on behalf of the Irish Government, to say, that if any necessity had arisen in England for an increase in the amount of the military force, the Lord-lieutenant would have felt himself fully warranted under the circumstances, had such emergency arisen, in sparing, in addition to those already sent over, at least one-half the reduced force now remaining in Ireland. I am not contending that Ireland could permanently spare from her reduced force such an amount as that which I have just mentioned. That is a matter which cannot be summarily decided upon so short experience. The better state of things which I flatter myself now prevails, cannot yet have grown into a settled habit of the body politic, and until that happens I shall be the last person to advise stripping ourselves of the means of defence—of the means of prevention and cure, without being in a condition to have them speedily recalled and replaced. I am only conveying my own impression from the present state of things. We have, during the past year, spared a large amount of the usual military force from Ireland, and we should have been prepared, if the occasion had arisen, to spare more. During the past year, very few and slight occasions have arisen for the military being called out in Ireland; indeed, I think their main occupation has been to keep order, and secure ingress and egress for the crowds who flock to give the pledge of unqualified temperance from the hands of the rev. Mr. Matthew. And, let me observe in passing, let not the House think lightly of this moral aspect of Ireland. I am not saying of this, any more than the reduction of the military force, that we can calculate on it for more, or for longer, than it has already gone. But I boldly say, so far as it has gone, it is an immense good—and gives prospects of more good—leaves room for good habits to grow and become permanent—affords opportunity for happy results to manifest and develope themselves. And as I have touched upon this subject, which, though rather beside the present debate, yet has a close connexion with the present condition of Ireland, I must permit myself to observe, that I think what has occurred may be taken as a reasonable rebuke to those who, for so long a period, and especially during the late recess, have been heaping the most unmitigated and wholesale, and, I must say, uncharitable stigmas and revilings on the whole body of the Roman Catholic priesthood—I think it may be taken as a rebuke to all such indiscriminate censures upon that body, that the greatest movement towards good, towards a regeneration of life and manners, towards an earnest of national improvement that has been effected in our day, though I rejoice to think, at the same time, that many Protestants—many of all denominations—have hailed this movement with unaffected pleasure, and cordially co-operated in it; yet still this great movement was originated mainly—almost singly—by the unprompted, the gratuitous efforts of a humble and exemplary Roman Catholic friar. I must say, that during the recess there has been a sort of Helotism on the part of the press connected with the Gentlemen opposite, and of all meetings held by their adherents, on everything bearing upon their Roman Catholic fellow-countrymen, which supplies a lesson, to use the least offensive term, most instructive. It is well to say they do not object to the persons appointed as Catholics, but this is not the language of the recess. This is not the language by which the party out of doors was lashed into excitement, by which it seemed to be hoped you would be floated into power. I do not wish to cull anything from the leading articles of newspapers, or from excited speeches on the public platform, but what do I find in a formal manner, in regular resolutions, adopted with full concurrence of crowded meetings? What says the petition of the inhabitants of Brighton? But what say these inhabitants of Brighton? "We had much sparring last night on the sentiments of a single clergyman of Brighton, of the highest character, the most exemplary morals, as well as of distinguished talents." The hon. Member for Droitwich most distinctly laid it down, and challenged us to contradict him, that no objection had proceeded from any part of the country to the appointment of the Secretary to the Admiralty; but what is said in the petition of the inhabitants of Brighton? It was with great concern they "had heard that her Majesty's Ministers had selected to fill important offices at the Admiralty, the Treasury, and the Board of Trade, three gentlemen"—not whose political conduct was objectionable, but "who were members of the Church of Rome." And that one of these persons had been admitted to the rank and privileges of her Majesty's Most Hon. Privy Council, and that it was "with great alarm they saw a disposition on the part of her Majesty's advisers to abuse the power reposed in them, for the injury of the Protestant religion." I will not detain the House long. What was the language of those called by the high sounding designation of the Protestant Association. "We have observed with deep concern, that your Majesty has been advised so far to depart from those Protestant principles, as by law established as the condition of the succession to the Throne, as to confer"—on whom? On Ultra-Reformers or Repealers? No, but "on members of the Church of Rome, high and responsible situations in several departments of state;" for example, for fear we should not know whom they meant, "in the Admiralty, the Treasury, and the Board of Trade; and this concern is further increased by the fact, that one of those individuals has been admitted to the rank and privileges of one of your Majesty's most hon. Privy Council, the first instance that has been of such a departure"—so much for their acquaintance with matters of fact—"from the principles of the constitution, since the deliverance of the country from Papal tyranny. Again, a petition was presented, the day before yesterday, from the clergy, merchants, bankers, and inhabitants of Bristol, and I wish to call attention to what ground they wished the House to withdraw its confidence from her Majesty's Government, and repose it in Gentlemen of the Opposition. They say—"The first and highest interests of a great nation are based in Protestantism, and ought not to repose in an Administration which made the great interests of national faith subservient to party purposes." This is fair; this is an opinion; this is speculation. Now for the illustration—"The admission of Roman Catholics to office excites our most serious alarm for the existence of our Protestant institutions." I must say, that if anything seem preposterous beyond all comprehension, it is the use and adoption of such language as this. I think somebody called my hon. Friend, the Member for Waterford, a Repealer. Why, he lost his seat in consequence of his opposition to the repeal of the Union.—[Sir *J. Graham*—No one called him so.]—My impression certainly is that he did—but I have quite enough without referring to that. However, I will tell you what they say of him—they say he is put into the present office for the purpose of administering the funds and conducting the education of the people of this country. Last year, when we purposed to transfer this charge from the Lords of the Treasury, what an outcry was raised! and now we have transferred it, the cry is against the Lords of the Treasury having the control and management of the fund. Because my hon. Friend, who has on many occasions shewn a cultivated and accomplished mind, and my right hon. Friend the Vice-president of the Board of Trade, whose addresses to this House command an attention, second to none which is given to any other Speaker, and my hon. Friend the Secretary for the Admiralty, who, if he has put himself forward less prominently than the others, possesses as sterling qualities both of the head and heart as any person whom it has been my good fortune to come across, because those three Members have been appointed to the three offices of Vice-president of the Board of Trade, Secretary of the Admiralty, and Lord of the Treasury. I say this without considering who have filled those offices before, whether under Tory or Whig Administrations, because this is the case, in the words of the petitioners, those appointments are ominous, and fraught with danger to the Church, the Country, and the Throne? I must say, if the accusation had come from the other side, if it had been alleged as a matter of complaint, that ten years after the passing of the Catholic Relief Bill, ten years after it had been declared that every appointment in the State should be opened to every Catholic as well as every Protestant, with, I think, two defined and stated exceptions in each country, with a Roman Catholic population in this kingdom, amounting at least to eight millions, it was alleged that not one Catholic had found his way into the Cabinet, that only two Roman Catholics had found their way into the English Privy Council, consisting of above two hundred persons—that in Ireland, with such a preponderance of Roman Catholics, only eight Roman Catholics had been admitted into a Privy Council of eighty-two: if that had been alleged, I might have tried to account for it by the shortness of the period during which they had been eligible, I might have congratulated myself on being a Member of that Government, which, I trust, is the harbinger of a better and more equal state of things; but I own I should have thought the *primâ facie* difficulty of the argument lay on the opposite side of the question from that on which it has been brought forward; and so far am I from agreeing in the proposition, that the appointment of a Roman Catholic to be a Member of the Privy Council, or the appointment of three Roman Catholics to three subordinate offices, is contrary either to the letter or the spirit of the Constitution, that if any Roman Catholic, Peer, or Commoner, had shown himself to be qualified for the post, by his position, or his abilities, or his actions, I, for one, should look upon it as a virtual breach of the spirit of the Constitution, as an infraction of its recorded enactment, if we denied to such a person, on the score of his religious education, the post of Prime Minister of this country itself. Why, this was the view taken by the right hon. Baronet (Sir R. Peel), and I have no doubt he will confirm it to-night, and it is good for the illumination of his party out of doors that he should so confirm it. This was the view taken by the right hon. Baronet, the Member for Tamworth, long before he acceded to the propriety of conceding the Catholic claims. The right hon. Baronet said in a debate on the 9th of March, 1827—

> "I would here suggest a question to my right hon. Friend; I would say, when you have placed the Roman Catholic and Protestants on an equality in point of law, do you mean to admit them to an equality in the enjoyment of office? and if you do, you will see the Roman Catholics and Protestants administering, equally, the affairs of a Protestant State. If you do not mean to look forward to this state of things, and merely intend to give the Roman Catholics nominal equality, I say that that practical exclusion from office will be far more galling to them than any disability under which they now labour, because it will be an exclusion on personal grounds."

These were the right hon. Baronet's words; and I have often indeed blushed of late to see what outrage has been made with the name and principles of Protestantism. Far be it from me, like some in very high places of reputed orthodoxy, far be it from me to stigmatize the name of Protestant as odious, or to decry its vital and essential principles, but I have ever conceived that Protestantism in its original aim, and in its vital principle, was not intended to draw out any line of demarcation, or to parcel out any spot of separation on this earth, but to facilitate the access of apt under the generic name of Christians; and I, for one, think we are all sometimes to attach to various principles, doctrines, and habits—the epithet of "Protestant," which, it is to be remarked, is in itself occasional and temporary, and to overlook that of Christian, which is for all times and for all races, to fill and survive the world. The only tangible fact which I think I have heard alleged against the actual proceedings of the Irish Government—I am sure it was the only tangible fact alleged against them by the hon. Mover of this vote—on which is to be founded our exclusion from office, and the substitution of the Gentlemen opposite in our places, was the circumstance of the Lord-lieutenant of Ireland having entertained the hon. and learned Member for the city of Dublin at his table. Now, I must say, that these dinners seem to produce a great impression on hon. Gentlemen opposite. Ever since I have been connected with the Government of Ireland, in one Session of Parliament or another, there has been much said about the circumstance of the Lord-lieutenant in Ireland having entertained at dinner my hon. and learned Friend—a pleasure which I have shared in common with the two distinguished noblemen under whom I had the honour to serve. Now, of one thing I am quite confident, that if the Lord-lieutenant of Ireland should be asked whether he disapproved of any speech, or of any expression, or of any proceeding by whomsoever adopted, he would not have hesitated frankly to express his opinion, and I will go further and state there are very many things which have been said by the hon. and learned Member, and some things moreover done by him, of which we not only do not approve, but of which we very strongly disapprove. Allusion particularly has been made to recent speeches made by the hon. and learned Member for the city of Dublin, and to some talk of arming 500,000 men. Now, the difference is, that when in 1829 the hon. and learned Member talked of arming 500,000 men, the Government of that day receded from their opinion, and gave way to him highly to their credit; whereas we, in no one particular that I can charge my memory with, have abandoned any one opinion in deference to my hon. and learned Friend. But others have made allusions, which I think are always to be deplored, to physical force. Allow me to refer to the speeches of the mover of the memorable Committee in the House of Lords—I mean the Earl of Roden—and nothing shall fall from me questioning the patriotism or the honest, but I think, misdirected exertions, for what he conceives is for the public good, which distinguish that nobleman. He said on one occasion,

> "Notwithstanding the apparently awful odds in this country, we have, thank God, the moral energy, as well as the necessary accompaniments of sinew and bone, on our side."

On another occasion, and before a very large multitude of people, he said,

> "It is not people of high station we seek after. If they come, we shall be most happy to receive them, and we are ready to unite with them, but it is to the bone and sinew and the strength and unanimity of the people of Ireland, emphatically so called, that we look for support."

[Mr. Serjeant *Jackson:* What is the date of that?] 1832, during the constitutional agitation which was got up in the north of Ireland against the passing of the Reform Bill. I can assure the hon. and learned Member opposite that I can supply him with several very choice passages to the same effect; I do not say all from Lord Roden, but from those who assisted at such meetings. I do not think Lord Roden meant to take the field in opposition to his unoffending Roman Catholic countrymen. I suppose he thought they would act upon the offensive, and that he would be prepared to meet them. I hope the same meaning was intended to be conveyed by the hon. and learned Member; and that if unconstitutional, illegal, and violent practices were resorted to under the domination of the Tories, he should be prepared to wage open war against them, and to resist them, even to the death. However, I do regret that he did not more explicitly convey his meaning, and that he left himself liable to misconception. The Government of Ireland has frequently disapproved of many things which have been said by my hon. and learned Friend; but then you say we invited him to dinner—but I beg pardon of the House for condescending to such a topic—and that we bestowed lucrative appointment, in a public department, on one of his sons. Now I have no hesitation in saying, for myself, that not denying the many objectionable things which may from time to time have been said by the hon. and learned Member,—not concealing the many objectionable things which also have been proposed by him, some of which those on this side of the House have shewn themselves the foremost to oppose; and if I know those with whom I am associated,—if the occasion should arise, they would again shew themselves the foremost to oppose,—not denying or concealing from myself those things, yet, taking into consideration all that has occurred since the accession of the present Government to office, all that has occurred in England, all that has occurred in Ireland, all that has occurred with respect to the combination of trades in Dublin, all that has occurred with respect to the Chartist insurrection in England, I do believe that the energies and abilities of the learned Member for Dublin—sure to have great weight and to exercise prodigious influence on whatever side they are exercised—have, on the whole, been exercised for the maintenance of order. I am not asking your agreement or sympathy in that opinion. I am stating my own honest impression of the actual state of things, and I say that, on the whole, my belief is, that the hon. and learned Member's influence has promoted the maintenance of order and the peace of the country. I shall advert for one moment to a charge, which I understand to have been made by the right hon. Gentleman the Member for Pembroke, that my noble Friend, the late Lord-lieutenant for Ireland, had encouraged, by a speech which he made in the House of Lords, assemblages of large bodies of people. Now, I contend that the words used by my noble Friend, in his place in Parliament, do not bear that interpretation. His words were these:—

> " In answer to the noble Lord's question, as to the course Government intend to take, I beg to state the Government intend to watch the proceedings of those meetings, but I know of no power to prevent those meetings, provided their object is legal. We are all aware that large public meetings not legally convened sometimes take place in England. There have been very great Anti-poor-law meetings, and though some inconvenience has been occasioned at those meetings, yet so long as we live under the British Constitution, there is no power to prevent the holding of meetings for legal purposes. I regret there should be meetings on the question of Tithes. I believe they have not been so frequent since I have been in office as before, and all that have been assembled, have passed off peaceably. This I can assure the noble Earl, on the part of the Government, that if it should be found those meetings are not held for the purpose of petitioning Parliament, but for intimidation, every possible means of precaution and intervention will be employed."

Perhaps I ought to leave it to lawyers to decide as to the strict law, but with respect to the practice of the two parties, all I have to state is, that when hon. Gentlemen opposite are in power, it is found necessary to dispel large public meetings at the point of the sword; whereas on the occasion specially referred to in the quotation I have read to the House, so far from any such painful necessity being imposed on us, the course of the Irish Government was, by remonstrance and persuasion, to prevent any meeting taking place at all. I feel how much I have trespassed on the attention of the House, and I therefore come at once to touch very briefly on the main point, which is to be put to issue by the vote of this night. You tell us that we are a weak Government, and that we ought to give place to make room for a stronger. Now that the circumstances of the country do call for a strong Government, and that the interests of the public service would be benefited thereby, no one is more firmly persuaded than myself; but when you tell us to make way for yourselves, I want to know, where do you point out the elements, and how do you guarantee to us the formation of a strong Government? Is it among those who formed the Ministry in the latter part of 1834, and in the early part of 1835, who began their period of official existence in this House in a minority, and afterwards, as the right hon. Baronet on the opposite side very good humouredly remarked the other night, counted their nights by their minorities? Since that period the party in question have received the formal adherence of a section of the utmost possible weight in point of talents, and of the least possible compass in point of numbers. And since that, their united efforts have never been able, on one single question of Constitutional importance, to wrest a majority from her Majesty's present Ministers. Is it that the accord in your language and sentiments will make up for the comparative scantiness of your numbers—do you take upon yourselves to say that there is anything now among you which separates itself from the cheerers of Canterbury, of Ashton, and of Derby? Are you and your party out of doors, if not, your party in-doors, agreed on the policy of carrying out the Catholic Relief Bill? Are you agreed on the subject of Irish Education? Or do you think that the vote of endowment for the College of Maynooth is a vote to propagate idolatry in the land? Do you think that the admission of a Catholic chaplain into our gaols is a merciful provision for the good of the people who are there incarcerated, or that it is the admission of the " abomination of desolation?" Why, upon your great stalking-horse, the present Corn-law, and its matchless and immutable perfections, one of your supporters told us last night that he was decidedly opposed to the principle and working of the present Corn-laws. I have perceived that you are very sensitive on the subject of privilege; and I have no doubt the right hon. Baronet, who took so distinguished and honourable a part in those debates, is prepared to launch, before this debate closes, a very vigorous and effective speech against her Majesty's Ministers, with all the skill and means which his great dexterity and resources place at his command; but as to any abiding cordiality between you, the discussions of last week have offered a very striking, but by no means the first and only proof. When in this debate it was so important for you to exhibit a show of unison, the. hon Member for Durham stated that the conduct of his leader was marked by tyranny and injustice. Those who have only perused what took place here, must have perceived sufficient indications of a great difference of opinion between what is termed a fraction of the Conservative body—a small fraction of the Conservative body, but no less than its future Cabinet—and its other component parts; but we who sit opposite could collect even more significant tokens—we could read " silence that speaks, and the eloquence of eyes." Then we have again repeated that argument so often urged, that in the month of May last, we declared that we did not possess an adequate degree of the confidence of this House. That is true. And did we not hear, a few nights afterwards, the right hon. Baronet, the Member for Tamworth, declare, that if he undertook the Government of the country, Ireland would be the chief source of his difficulties. And do you think that in the intervening period Ireland has been so soothed by the dulcet strains of sympathy and conciliation which have been poured forth through all your organs, and from all your gatherings—do you think that the mind of Ireland has been so enlightened, so irradiated by the glimpses you have let fall upon her, of the sentiments you entertain towards her, and of the purposes you cherish on her behalf, that the difficulties to which the right hon. Baronet alluded in so emphatic and so remarkable a manner, are removed—that the dark cloud will pass away which before closed round his accession to office, and open a horizon of serenity and confidence, where all was mistrust and alienation? Have there been no indications of late from England and Scotland, as well as from Ireland? Why, since you gave the notice of this motion, so big with menace and hostility—what has been the confirmation given by all the constituencies which had, in the nick of time, to be consulted? We could appeal to no others. We are satisfied with the vacancies which did exist. And the self-same verdict, so far as the vote of this night is concerned, has been returned from the most different bodies of men, and from the most distant parts of the empire—from a great suburban district of the metropolis—from a first rate seaport town—from the crowded manufactories of Birmingham—from the ducal borough of Newark—and in two consecutive instances from the enlightened capital of Scotland. We hail, with right good will, from the different constituencies which have been consulted, their commentary on the motion of to-night. And if it pleases you so to continue it—if heedless of " the better part " which is still open to you—you decline to co-operate in the work of assisting to smooth the difficulties and to lessen the obstacles which we do not dream of denying, beset and impede many of the complicated relations of our internal, our foreign, and our colonial policy—to soothe the irritations which prevail in the public mind—to disarm jealousies—to allay dissensions—in one word, to consult together for the public good, why, we, as a party, and in a selfish point of view, have only to bid you to go on—stir up, or rather (for that seems more consistent with the course hitherto pursued) suffer to be stirred up the fierce embers of past intolerance—re-illume the fires of expiring bigotry—scatter the elements of distrust amid the inhabitants of the same soil—the children of the same Creator. We shall put our trust in the increasing spread of intelligence—in the confirmed sway of toleration—and in the returning sense of a disabused people.

Mr. Serjeant *Jackson* said, he had listened with great attention to the eloquent speech just delivered by the noble Lord, and had anxiously endeavoured to discover throughout that speech something like an answer to either one or the other of the able addresses which had been spoken from his side of the House, and to which the noble Lord had directed several of his observations. But he must acknowledge, with all possible respect to the noble Lord, that he had not heard even an attempt to answer one of the arguments which had been delivered on his side of the House, when that argument was correctly stated. Were anything required to add to the effect of those admirable addresses to the House which had proceeded from some distinguished Members of the Opposition, either on the minds of hon. Members or on the mind of the public out of doors, which was far more important, he conceived it would be found in the speech of the noble Lord, who having, as he told the House, had an opportunity of weighing and considering the speech of the noble Lord, the Member for North Lancashire, from the previous night to that evening, had entirely failed to give an answer to one single statement, or argument advanced by the noble Lord, the Member for North Lancashire; and, therefore, what he had said, was only calculated to increase the effect of those arguments and statements both in and out of that House. The first topic upon which the noble Lord had touched, he had treated in the *tu quoque* style. He had said "You charge us with having availed ourselves of the support of a section of the Radical party in this House. Did not the Government of Earl Grey do the same? Was he not most emphatically supported by the Radicals in this House?" Now the fact was, that the noble Lord, the Member for North Lancashire, made no charge of that kind: he applied his remarks to this point—"Let us know," said he, "what are the principles, if principles there are, which guide the counsellors of her Majesty at present?" The noble Lord complained that there were found in the cabinet noble Lords and hon. Gentlemen representing all shades of opinion, and that it was impossible to say what principles governed the cabinet; not of the differences of opinion between the cabinet and those hon. Members who supported it, but of the differences between members of the cabinet themselves—differences between the noble Lord at the head of the cabinet, and those who were admitted into it. But what was the conduct of Earl Grey's Government with reference to the persons of like politics who supported it? How did Earl Grey act towards the hon. and learned Member for Dublin, when he considered that his conduct was subversive of the peace of the country, and of the cause of order and good government? He brought the law to bear upon him. He brought him to the bar of the highest judicial tribunal in the country, and obtained an admission of his guilt from the hon. and learned Member. It was perfectly true, that such admission of guilt, though placed on record, was not followed by any sentence of the Court, because it unfortunately happened that the law on which the prosecution was founded, expired on the dissolution of Parliament. Therefore the Court of King's Bench in Ireland, could not pronounce sentence upon the evidence, the truth of which the hon. and learned Gentleman was ultimately obliged to admit. The noble Lord had quoted a passage from the speech of his noble Friend, the Member for North Lancashire, upon which he laid considerable stress. But he had misquoted, and probably did not hear the passage in question. He charged his noble Friend with the factious intention, which he said he had proclaimed from his place, of obstructing the proceedings of the Government. But the language used by his noble Friend, as well as he (Mr. Sergeant Jackson) could remember it, was to this effect: "We tell you plainly we will direct and control, and we will suggest measures which are calculated to produce the good of the country, and we will oppose and obstruct such measures as we consider are not likely to produce any such result." Was it therefore right, in order to give an answer to the speech of his noble Friend, which, in itself, was unanswerable, to make a different statement from that which he had uttered? He did not accuse the noble Lord with having wilfully misquoted and wrongfully charged his noble Friend, but in the heat of debate, in the excitement created by his anxiety to support a bad cause, and in the necessity of the case, he had been led to take such a view of the statement of the noble Lord, the Member for North Lancashire, as made him confound propositions which could not be answered if taken in their strict and straightforward sense, with mistakes of the noble Lord's own, which might be easily refuted. No one hon. Gentleman on that (the Opposition) side of the House, had said that he would obstruct the course of the Government. On the contrary, to every measure which was likely to do good, they would give their support. The noble Lord had furnished a catalogue of measures which had received the support of the Opposition. Such as the English Tithe Bill, and the Irish Poor Law. Had they been disposed to offer a factious opposition to the measures of the Government, might they not have opposed these? But did they oppose them? By whom was that measure, which perhaps was the most valuable amongst them, opposed? Who opposed the Irish Poor Law Bill? Did the Conservatives offer any opposition to it? No: the opposition came from the professed supporters of the Government. He knew that the noble Lord would not deny this; and he was merely stating it to show that the imputation thrown out upon hon. Gentlemen on his (the Opposition) side of the House, that they were factiously intent upon obstructing measures which were good in themselves, was entirely without foundation. The Irish Poor Law Bill met with formidable opposition from the supporters of the noble Lord and his colleagues, but none from his political opponents. So much, then, for the obstruction of good measures. But what had they obstructed? They had obstructed what the noble Lord must now admit was a most pernicious proposition for carrying into law the appropriation clause. They resisted that, and he was happy to say, they were successful. Might he not say, that the noble Lord was impressed with a conviction that they had been well warranted in that opposition? The noble Lord had said, that Government had given up the appropriation clause to prevent bloodshed in Ireland. But what was the course pursued by the Government? What did they do when they assembled in conclave at Litchfield-house, when they bartered principles for votes—when they entered into that most iniquitous compact — he would not say compact—it was only a "compact alliance." Did they then say, that the appropriation clause was to be followed out? Did they say, that it would produce bloodshed in Ireland? If so, why did they propose it? Why did the head of the Government in the other House declare that it was a question with which the very existence of the Government was identified? Why was Ireland kept in continued agitation, and why did effusion of blood take place in Ireland? And why did the Government at last bring in the Tithe Bill, omitting the appropriation clause? From year to year they brought in their propositions; now, one which was called "a heavy blow, and a great discouragement to Protestantism," and then a plan for extinguishing 850 Protestant places of worship, Yet, after the resolutions adopted at Litchfield-house after declaring that the appropriation clause must be insisted on, the Government actually adopted, almost *verbatim et literatim*, the very bill that was brought in by the right hon. Baronet in 1835. But the charge of factious opposition had been made in reference to the Jamaica Bill. What was the effect of that bill? Was it not to annihilate the representative constitution of Jamaica which had existed there for upwards of a century? What did the Opposition do upon that occasion? They objected to such an unconstitutional measure, and resisted successfully, for the Government were compelled to subscribe to the bill of the right hon. Baronet, and now they saw the happy consequences of adopting his suggestions. A greater proof of want of skill and foresight to legislate for the colonies on the part of the Government, could not be found than the case of Jamaica. It had become very much the fashion of late with hon. Gentlemen on the other side of the House to laud the right hon. Baronet, the Member for Tamworth, and certainly not without good reason. The Government could not have carried the resolutions on the privilege question had it not been for the chivalrous support of their honourable and manly opponent. They praised the right hon. Baronet, but some little reduction must be made when that praise was given for an invidious purpose. The contrast which had been drawn between the right hon. Baronet and the noble Lord, the Member for North Lancashire, was not a just one. The conduct of his noble Friend, upon the appropriation clause, was not open to the observations of the noble Lord; for both he and the right hon. Baronet agreed in opposing the appropriation clause, and both alike rejoiced to see the tithe question settled by that clause being abandoned. His noble Friend condemned the adoption of the appropriation clause, and not the withdrawal of it. The noble Lord had taunted his noble Friend with having brought forward abortive measures, and he mentioned the Arms Bill for Ireland. But that bill was the bill of the present Prime Minister, who then had charge of the police of the country, by virtue of his office as Home Secretary. His noble Friend, was only Secretary for Ireland at the time. Such a bill as the Arms Bill for Ireland was scarcely to be compared with those great measures to which he had been adverting; but was the noble Lord aware that in his allusion about it he was taunting the present head of the Cabinet? If any individual was responsible for proposing that bill, and for withdrawing it after it was proposed, it was the noble Lord, the present Prime Minister of England. [" *Hear* " from Lord John Russell.] Was he wrong? Did the noble Lord deny, that though the bill was proposed by his noble Friend, as Secretary for Ireland, the noble Lord, now the prime Minister, being then the Home Secretary, was not responsible for it? [Lord *J. Russell:* He did not approve of it.] That made the matter look very extraordinary, and he thought the noble Lord had placed himself in a dilemma by making such a statement. The noble Premier, then the Home Secretary, must either have approved of the bill or not. He was responsible for it. If he disapproved of the bill, why was it brought forward? What sort of a Government must that have been when such things took place—when the head of the department to which the bill applied and belonged, disapproved of it, and yet allowed it to be proposed? He was afraid that many things of that kind were done at the present day. He was not at all surprised to see that the noble Lord did not look so complacent as when he interrupted him upon that point. He suspected, that if the proceedings of her Majesty's Ministers among themselves were to go forth to the public, it would be more easy to find a great variety of opinions among them, than fix upon any point on which they were agreed. The noble Lord (Lord Morpeth) had taken great credit to the Government from an anonymous letter which he read to the House. Indeed, the noble Lord must have felt that the Government was in great need of support when he called such a document to his aid. He must have had some misgivings as to the Ministers having dealt with the disturbances in the country in that firm, decided, and energetic manner which ought to be expected from a Government, and, he, therefore, quoted a private letter, to the noble Lord himself, in which Ministers were praised for their manner of dealing with the disturbances of the country. Now, he should like to know whether the writer of that letter were from the West Riding of Yorkshire —whether he were a constituent of the noble Lord's. He should be glad to learn as the noble Lord declined giving the name, whether the writer were an officer in the employment of Government—what was his situation—in order that the House might judge of his means of information—or was he a candidate for office? For if he were, then they could all understand the grounds of his praise; but whoever the writer was, for the noble Lord to have brought such a document to his aid in a discussion of this kind, was altogether unworthy of the noble Lord, who, from his experience in public life, so well understood matters of this kind. It was, he repeated, unworthy of the noble Lord to rely in an important question of this kind, on an anonymous correspondent, and it showed the great straits to which he must have felt himself put for argument. The noble Lord had next adverted to what he was pleased to call another of the abortions of his noble Friend, the Member for North Lancashire, and taunted him with a failure in that great measure for the abolition of slavery in our West India colonies, for which this country had so generously consented to pay the large sum of 20,000,000*l.* How, let him ask, could he call that measure a failure which the noble Lord had brought in within three months of his coming into the Colonial-office, and which eventually was attended with great success? This reference to the payment of 20,000,000*l.* for the abolition of slavery reminded him of a pledge which he gave on the third night of the Session, that he would take the first opportunity of bringing on a subject to which he had then called the attention of the House. It would be in the recollection of the House, that on the evening to which he referred he had put a question to the noble Viscount (Palmerston) respecting a letter which had been addressed by Lord Howard de Walden, our Minister at Lisbon, to the Viscount De Sa da Bandeira, on the 19th of May, 1838. Instead of an answer, the noble Lord made a speech of nearly three-quarters of an hour long, in the course of which the noble Lord alluded to him, personally, more than once, in reference to observations made by him elsewhere, as to the conduct of the Government in that transaction. He was about to reply when he was called to order by a partizan of the Government, the hon. Member for the Tower Hamlets, and the Speaker reminded him that it would be irregular to proceed, as there was then no question before the House. As he was ever unwilling to press himself on the attention of the House against its wish, he bowed immediately to the decision of the chair, and he did so the more readily, because he had ever found his decisions guided by the greatest fairness. From the first moment that he was placed in his present high station, he had been distinguished for the impartiality, dignity, and courtesy with which he had discharged its duties. Bowing then, as he did, to the decision of the Speaker, he pledged himself that he would take the first opportunity which presented itself of bringing that subject before the House, and he would now redeem that pledge. The subject was one which affected the honour of this great empire, and the character of its Government; and, if not satisfactorily explained, would form a strong ground for supporting the motion now before the House. He would now read the letter. It was written in the course of negotiations carried on between this Government and that of Portugal for the suppression of the slave trade. It was not his intention to tire the House with any declamation about that iniquitous traffic, nor on the great merits of that excellent man, Mr. Wilberforce, whose name would be immortal as the friend of humanity, true liberty, and sound morality; he would confine himself to the letter. In 1837, this Government was engaged in negotiations with the other powers of Europe with the view of engaging them to join in putting down that infamous traffic, by agreeing to make it piracy. Portugal was bound to become a party to the proposed treaty, and our Minister, Lord Howard de Walden, was engaged ostensibly in carrying on that negotiation, and he was instructed from home to make the adherence of Portugal to that treaty, by which the slave trade was made piracy, a *sine qua non*. A bill had been introduced into Parliament here, in the course of the discussions on which the Government of Portugal was charged with shuffling, and some of the correspondence between our Minister and the Ministers of Portugal was published, with the view of proving that such shuffling did exist on the part of the government of Portugal. The Portuguese government finding this, and the charges that had been brought against it, published the letter which he was about to read. Let the Government now explain it, and most sincerely and heartily did he wish that it would be able to do so satisfactorily, for the honour of his country was much dearer to him than any considerations of party. It was from this feeling that, in adverting to this matter in another place, he had used the strong language to which the noble Lord had alluded. He would now read the letter. It was thus addressed:—

> "Lord Howard de Walden to Viscount de Sa da Bandeira.
>
> "(Most confidential.)
>
> "Saturday night.
>
> "My dear Viscount,—Here is a note upon which to hang your declaration as to piracy. You will probably state—1. Your objections and difficulties if insurmountable. 2. The fact of having established a penal law, inflicting a secondary punishment for (illegible) concerned in the slave trade. 3. Remark on no European power besides England having actually declared the slave trade piracy; and, fourthly, conclude with a declaration of the readiness of Portugal, either simultaneously or jointly, to unite with other Powers of Europe in any resolution to the effect of declaring the slave trade piracy, although, circumstanced as the Government is now, you cannot venture to take the initiative." [Now he (Mr. Sergeant Jackson) begged the attention of the House to the concluding passage:]—"This, in short, strikes me as the outline of the best case to make out, wording the conclusion as strongly as you can, in a general sense denouncing the slave trade.—Believe me, &c.
>
> "Howard de Walden."

He, when he first saw this note, believed it to be a forgery. He could not bring himself to believe that any such document would have been signed by any British Minister who had been instructed by his Government at home to make the accession of Portugal to the treaty, making the slave trade piracy, a *sine qua non*. Indeed, this would be seen from the letter which he addressed to the same Minister on the very next day, the 20th of May, in which he said,

> "The undersigned cannot too earnestly appeal to the Viscount de Sa da Bandeira, the Minister to whom the glory is due of having, during the short period of dictatorship, proclaimed the abolition of the slave trade, to take into his most serious consideration, in the same philanthropic spirit by which he was on that occasion influenced, the consequences which will be involved in the rejection of this proposal on the part of Great Britain to make slave trade piracy, which is made a condition *sine qua non* of the conclusion of the proposed treaty, by the loss of which such immense

benefits to be conferred thereby on the human race, and of advantages to the possessions of the Crown of Portugal in Africa will be destroyed."

So that, on the 20th of May, the noble Lord declares that to be a *sine qua non*, which his note of the preceding day had pointed out to him the excuses for evading. He would challenge the whole history of diplomacy to produce any case parallel. The country is most anxious to have an end put to the slave trade, and urges its Minister to press on the Government of Portugal, as a *sine qua non*, its acceptance of the treaty or convention, making slave trade piracy, and yet that same Minister tells the Portuguese Minister with whom he is negotiating, to evade the very thing which he is instructed to press upon him in these words:—

> "This, in short, strikes me as the outline of the best case to make out, wording the conclusion as strongly as you can in a general sense denouncing the slave trade."

The Government was anxious to take credit to itself at home with the Quakers, Dissenters, and others, who took a strong interest in the suppression of the slave trade, for its exertions to abolish that trade; and the correspondence which was published here as to the negotiations in Lisbon for that purpose, afforded a clap-trap, of which they were willing to avail themselves. But if, notwithstanding this, they allowed their minister to suggest a mode of evading the signing of the treaty, what was it but saying, "Give me a handful of dust to throw into the eyes of John Bull?" He again expressed his sincere hope that Government would give a satisfactory explanation of the matter. He had found, that on the same night on which he mentioned the subject in this House it had been referred to in another place. The explanation given there did not exactly tally with that given by the noble Lord opposite, and neither was satisfactory. The explanations were twofold—first, that two friendly powers might communicate and privately consult as to the form or terms of any document, the subject of negotiation. This might be true of two friendly powers negotiating with a third power for a joint object, but that was not the case in our negotiations with Portugal. The second ground of explanation was, that under the circumstances in which the negotiation then stood, it was desirable that the refusal of Portugal to accede to the treaty should be conveyed in as mild terms as possible. Now, he would ask what was it to us whether Portugal refused in mild terms or otherwise? If she was in the wrong, it was our business to let her put herself as evidently so as possible. This explanation was therefore as unsatisfactory as the other. He would not touch further on that point, but hoped to have it explained. He would next advert to some other topics which the noble Lord had urged in favour of the Government. The noble Lord had taunted his noble Friend, the Member for North Lancashire, with the present Government having a greater share of the confidence of the people of Ireland than former Governments. He would not deny, that the Government had the confidence of millions of one class of the people of Ireland, and not without good cause, for concessions had been made to that class which had been denied to another class. The partiality was too evident not to be noticed and felt. He did not apply this to the present Lord Lieutenant of Ireland, who up to a very recent period had pursued that fair and impartial course which procured him the respect and confidence of the Conservative body in Ireland. He believed, that if left to his own suggestions he would have continued the same course, but he had lately paid a visit to London, and probably called at the Home-office. Whom the noble Lord saw there, he would not say, but since then it was evident the noble Lord had changed his course—had turned over a new leaf. The Government did possess the confidence of the party to which he referred. Of what others did it possess the confidence? He would admit, that it had that of a few of high rank—names which would serve to make a figure at the head of a list; but it had not the confidence of the Protestant people of Ireland, nor ever would it while it continued to deal heavy blows and great discouragement to Protestantism. It had not the confidence of the middle or lower classes of Protestants —of men who firmly, conscientiously, and boldly adhered to their obedience to the laws and constitution, and their attachment to their religion. He wished he could say the same of some among the higher classes of that body. He must be permitted again to say that the conduct of the middle and lower classes of Protestants in Ireland was deserving of the highest praise. In his opinion it put to shame many amongst the higher classes in that part of the United Kingdom. But the tranquillity now prevailing in Ireland could not be imputed to that cause alone. It would seem that that tranquillity had given rise to much triumph. There was no one, of course, who could feel otherwise than rejoiced that the state of Ireland was one of tranquillity, but that condition of society there was not a little owing to the settlement of that *vexatio questio,* the tithes. The tithe agitation was at length at an end, and he fully believed that the present tranquillity was in a great degree owing to the settlement of that question. But though he had assumed that that question was settled, he did not feel quite certain that he was warranted in saying so; he doubted, after all, that it really was settled. It was not altogether certain that the hon. Member for Dublin would allow it to remain settled. It would be in the recollection of the House that the Conservative party had resolved upon opposing the Government measure respecting municipal corporations in Ireland; they were told, however, that the people of Ireland desired that measure, to which the reply from his side of the House was, "Give us a good tithe bill for Ireland, and a good poor law, and we may then take into consideration your measure for establishing municipal corporations in Ireland." Since that time, however, her Majesty's Government became alarmed, and what course did the hon. and learned Member for Dublin take? He proceeded to re-construct another of his pernicious societies. The proceedings of the Precursor Society he brought to a speedy close, and a part of the balance of their funds was handed over to the Loyal Registration Society, an association the main object of which was to return those candidates to Parliament who were patronised by the priests, and who were prepared to do the will of the hon. and learned Member for Dublin, one of whose recent propositions was a transfer of the tithe rent-charge for the purpose of forming a substitute for the Poor-law fund. Now, was that fair towards the Protestants of Ireland? Was not the arrangement respecting Municipal Corporations conceded in consideration of the tithe measure? The Conservative party said, "Give us the seventy-five per cent for our clergy, and we may then not object to your Corporation Bill." But, without the least regard to considerations of this nature, the hon. and learned Member for Dublin began a fresh agitation, talked to his followers of actual physical resistance, and proceeded to instruct the people how they might best oppose and defeat an exercise of the undoubted prerogative of the Sovereign—namely, the choice of her own Ministers, and immediately thereupon the representative of her Majesty in Ireland chose to invite the hon. and learned Gentleman to his table. Nothing could be more utterly unimportant than where the hon. and learned Member might happen to dine, provided he did not become the object of such a public mark of the favour of the Government as to receive an invitation to dine with the representative of the Queen in Ireland; it was no laughing matter though some hon. Members might think proper to smile; the affair was exceedingly serious, that a man guilty of offences amounting to sedition should become the guest, not merely of a Minister of the Crown, but of the Viceroy. If the hon. and learned Member for Dublin dared to do one act in furtherance of the doctrines set forth in his speeches, it would be high treason—there was not a lawyer in the House would dispute that opinion. To alter the existing laws by force, was nothing less than high treason, and again he would say, that if the hon. Member ventured upon a single act in furtherance of his seditious harangues, it would be a crime for which he must forfeit his life on the scaffold. This opinion he took upon himself to give as a lawyer. It was then no trifle that such a man should be invited to her Majesty's royal castle of Dublin. What were the poor people of Ireland to think of such a proceeding? What inference were they to draw from hearing that such a guest was invited to the table of the Lord-lieutenant—that he came there piping hot from seditious meetings, where he openly avowed that which, if carried into practical operation, would be neither more nor less than treason against that very Sovereign whose representative entertained him? All this was transacted in the midst of an exciteable population—among an amiable and generous people, but one easily led either to good or to evil according to the hands into which they might happen to fall. He need not now dwell further upon the opinions which he entertained of the hands in which a portion of the Roman Catholics of Ireland had for some time been placed; but he thought it might not be unprofitable to remark that the Government of Earl Grey entertained a very different opinion of the hon. and learned Member for Dublin from that which was held by the Melbourne Administration. When Lord Grey was at the head of affairs, the hon. and learned Member was dragged to the bar of the court in which he practised as a barrister—he was indicted, and had he not pleaded guilty, and had not the act expired under which he was indicted, he must have been committed to the custody of one of his Majesty's gaols. Being now called upon to give his vote on a motion declaring a want of confidence in the Ministers of the Crown, he confessed it did appear to him that if there were no other ground for feeling that want of confidence than their conduct towards the hon. and learned Member for Dublin, sufficient justification might be derived from that alone. When the House of Commons were called upon to express their confidence in a Ministry, that Ministry ought to display something like fixed principles. Moreover, they ought to show, not only that they understood what was for the public good, but that they had the capacity to carry out and execute their measures. Now, looking at the present Government, he would ask, did their character and conduct answer to that description? Above all, did they take the part which a Government ought to take in reference to the conduct of that individual to whom he had so often had occasion to allude? Had they dealt with him as they ought to deal with a man who often talked of going out to die in the field? He even thought that the Ministers, as English gentlemen, were called upon to mark with their reprobation—at least to discountenance — the terms in which that hon. and learned Member spoke of his and their political opponents. Surely, noble Lords and right hon. Gentlemen opposite, could not sympathize with that individual when he spoke of the Duke of Wellington, the right hon. Baronet the Member for Tamworth, and the Conservative party generally, as a body of men with whom the Queen could not be safe if they were called to the administration of public affairs—who insinuated that her cup would be drugged—that the Conservatives would' poison her: that was the language which the hon. Member held just before he went to dine with the nobleman who was the representative of Majesty in Ireland. At the meeting which he attended immediately before his dinner with the Lord-lieutenant, the hon. and learned Member distinctly declared that he would not retract the language in which that insinuation was conveyed. He repeated with the most solemn asseverations that he believed all he had said, and with the utmost solemnity declared his conviction that the life of the Queen would not be safe. This declaration he made in the same solemn manner in which he made a declaration on the floor of that House respecting a person named Murphy, and no doubt both declarations were of a like character. He said, repeatedly, that if her Majesty changed her Ministers, he did not believe that she would survive for six months after the accession of the Conservatives to power. Could it be possible for any Gentleman to do otherwise than condemn such language as most atrocious—could the hon. and learned Member himself believe what he said? Did he expect those who were usually his dupes, to believe him on that occasion as they did upon others? The enormity and wickedness of his assertions were exceeded only by their absurdity. It was impossible not to feel astonished that any man with the feelings of a gentleman —still more was he amazed that any nobleman of the high character which belonged to the Lord-lieutenant of Ireland, could invite to his entertainments, or sit down at table in any place, with a man capable of casting such a stigma upon any set of English gentlemen. It appeared to him incomprehensible how a man could be tolerated in society who was capable of conduct so outrageous and abominable. The noble Lord opposite had sought to draw a parallel between the language held by a noble and beloved Friend of his (The Earl of Roden), and the sentiments expressed by the hon. and learned Member for Dublin — surely no two cases could be more widely different. A more upright, pure-minded, and excellent human being than that noble Earl it never had been his lot to know; while virtue and sound principle existed in England, the name of his noble Friend would never be uttered without a tribute of respect, and it would be a fatal sign of the times if the expression of that respect were withheld, The declaration of his noble Friend was made in the year 1832, a period at which the country was much disturbed—a time at which the hon. and learned Member spoke of the noble Lords and right hon. Gentlemen opposite as the "base, brutal, and bloody Whigs." At that time the hon. and learned Gentleman agitated for a repeal of the union. The yeomanry were called out to preserve the peace. His noble and gallant Friend did not consider whether the Government might have been composed of Whigs or of Tories, or might be of its present motly composition—he was a man resolved to uphold, under any circumstances, the course of good order and of British connexion in Ireland. His noble and gallant Friend felt as he did, that the best protection good order and British connexion could have, was to be found in the loyal Protestants of Ireland. The noble Earl said, that that class had the strength, the spirit and the sinews to preserve the integrity of the empire. No men were more loyal, more constitutional, more firmly resolved to stand by the union with Great Britain than were the Protestants of Ireland; and if ever the awful day came when an attempt should be made to disturb that union, the whole Protestant community would stand forth as one man and resist. Those were the sentiments of his noble Friend, and he shared them. In addition he would say, that the great mass of the Catholic body, of which the hon. and learned Gentleman opposite might be called an unworthy Member, were opposed to any dissolution of the union, and in the day of trial, he had no doubt that there would be a miserable defalcation from the 7,000,000 on whose assistance the hon. and learned Gentleman so confidently reckoned. He begged, before he sat down, to say, that if in the warmth of discussion, any expression had escaped from him calculated to wound the feelings of noble Lords or right hon. Gentlemen on the other side, he meant nothing approaching to personal offence; and he begged to thank the House for the indulgent attention with which he had been heard.

Mr. *C. Wood* said, that the noble Member for Northumberland having explained to the House the circumstances under which he had retired from office, and how apart from all personal considerations the noble Lord's motives had been, he, unwilling as he was to trespass upon the House, felt anxious to throw himself on its indulgence for a short time, that he also might relieve himself from the possibility of any such imputation on the motives which had actuated him, in his situation, also in retiring from office. He had always held that those who were engaged in the public service should be prepared to take that position in which the leaders of the Government deemed their services would be most useful; and therefore when, at the close of last session, it was proposed to him by his superiors in the administration to accept the situation vacated by the present Chancellor of the Exchequer, though he was not very willing to quit the situation which he had hitherto held, and with the duties of which he had become conversant, and though he was very sorry to quit his noble and gallant colleague, yet he immediately acquiesced in the proposed new arrangement, and undertook the duties of Secretary of the Treasury. His right hon. Friend the Chancellor of the Exchequer would bear him out in the assertion that he had had a long conversation with him, as to arrangements which could only be necessary in the event of his being engaged at the Treasury during the autumn; and certainly, but for circumstances having no connexion with any personal views of his own, he should now in all probability have been engaged in the discharge of those duties so much better done by his hon. Friend, the Member for Windsor. The noble Viscount had stated to the House the grounds on which he quitted office, the views which he took on the political state of the country last summer, and the course which, in his opinion, should have been pursued in re-constructing the Government. Not as the right hon. Member for Pembroke had misquoted his noble Friend's expressions "to the exclusion of all those persons whose opinions might go further than his own," but so that the general effect of the arrangement might be to strengthen the Government, by re-assuring the country against further and indefinite changes in the constitution. He agreed with the noble Viscount in those views; and though it was not for him, holding a subordinate situation in the Government, to attempt to enforce those views, he had stated them to the noble Viscount in frequent conversations, and when he found that the noble Viscount considered himself bound to resign on these grounds, he felt that he could not, with satisfaction or honour to himself, remain longer a Member of the Government. He was aware the conduct of the noble Viscount and himself had been blamed by those whose censure was most painful to them; but, deeply as he regretted it, he was borne up by the consciousness that he had acted solely upon the feeling that what he did was right. He did not mean to say, that he did not regret the loss of office. He thought office an object of honourable ambition to any English gentleman. He regretted the loss of the power, and the interest and the occupation which office gave. In the present instance it was rendered peculiarly painful to him, by separating him from those with whom he had acted during the whole of his political life, and with many of whom he still entirely concurred—from many personal friends, to whom he was bound by the strongest ties of warm and, he trusted, undiminished friendship and respect; but he had felt that, in the situation in which he was placed, he had no alternative but to resign. The right hon. Baronet opposite had asked him and his noble Friend to pass over to the right hon. Baronet's present side, trying to tempt them by the example which he himself had set; but, much as he admired the talents of the right hon. Baronet—much as he felt himself that right hon. Gentleman's inferior—he must say, that, in that one point, his conduct to his former friends, he should be very sorry to imitate the right hon. Baronet's example. The right hon. Baronet sought further to tempt them, by stating a new profession of faith for hon. Gentlemen opposite; he said, that whilst they were content to maintain the provisions of the Reform Act, they were the advocates of progressive reform. The profession might be specious, but it had been up to the present moment sadly belied by the actions of the party whom the right hon. Gentleman had joined. It must have sounded strange to Conservative ears to hear themselves now held up as the advocates of reform; and a new instance of the much vaunted unanimity of hon. Gentlemen opposite was afforded, by the right hon. Baronet claiming credit for progressive measures, whilst a distinguished leader of the Conservative party elsewhere made an annual boast of the Bills they had thrown out, and the measures they had obstructed to the principle of progressive reform, adhering however to the main features of the Reform Act itself, he had invariably since the passing of that act given his support. That principle he understood to be the principle professed by the Government; it was the principle on which Lord Grey's Government, as well as Lord Melbourne's had acted. The difference between his noble Friend (Vis. Howick) and his late colleagues was not a difference of principle, but a difference as to the means by which that principle could best be carried out. On this ground, therefore, and in this belief, he gave his support to the Government. This principle of progressive reform had invariably been opposed by hon. Gentlemen opposite, nor did he believe that they would now act otherwise, notwithstanding the delusive profession of the right hon. Baronet. He must, however, say, that he was most sorry to hear the definition of progressive reform which had been given by the hon. Member for Sheffield, in which he could discover nothing but a continual and indefinite extension of the principles of the Reform Bill—a recurrence to that system of bit-by-bit reform which those who introduced the Reform Bill and the majority of those who supported it, hoped, for a time at least, had been put an end to by that measure? He respected the opinions of that hon. Member, and of other Gentlemen who sat near him, as he respected all opinions which he believed to be sincere; but he must express his own opinion, and it was no new one on the part either of his noble Friend or himself that it was to the manner in which those extreme opinions had been urged by some that the ministry owed the decreased confidence of many of the former supporters of Whig principles, and that their majorities had gradually dwindled away. There was no inconsiderable alarm on that subject amongst a large portion of the community. He alluded not to those who held opinions adverse to those of his side of the House, and his own, but to a large class of persons who had been well described in an able pamphlet of last session; "A Letter from a Radical Member of the House of Commons to Mr. Grote," and which he had the greater satisfaction in quoting, as he believed that the writer went much further in his political opinions than himself. The persons to whom he alluded were described in this pamphlet as "the best and most influential men of the middle classes," men of practice, and not of theory; "sound reformers," but "attached to old habits and associations"; and these men were stated by the author in language stronger than he himself would use, to be "alienated and disgusted" by the intemperate conduct of the ultra Reformers. They were men who, in ordinary times, took no part in politics, and were averse to party struggles, but whose weight when thrown into the scale, necessarily turned the balance. It was because they had in 1831 been convinced of the necessity of reform, because they joined the more active partisans of liberal opinions, that the Reform Bill received such general support throughout the country. But when that measure was passed, when the struggle was over, they relapsed into their ordinary state, they were anxious to reap the fruits of the Reform Bill, and became disinclined to the further agitation of constitutional reforms, knowing that whilst such struggles continued all other legislation must cease. This was their feeling, and they had withdrawn their support from Government, because there was no assurance offered them that no further changes in the constitution were in contemplation. To what else but to this could be attributed the difference between the numbers of those who sat on the ministerial side of the House in 1832, and those who took their seats there in 1837? He would omit any mention of the election of 1834, because that took place under extraordinary circumstances; but in 1837 there was no disunion among the Reformers—the united strength of all the Liberal party was brought forward together—the election took place at a favourable time, and under favourable circumstances; and to no other cause, therefore, than to the falling away of the class of persons referred, to could be attributed the difference between the appearance of the ministerial benches now, and that which they presented in 1832, between the majority which supported Lord Grey's Government, and that which supported the present ministry. If these considerations had weight at the time of the publication of this pamphlet last session, how much stronger was the case now, when the state of the country presented so alarming an appearance; when the public ear was filled with Chartist demands, which no ten Members of the House would comply with, and which could not be complied with at all without a subversion of the constitution. To such progressive reforms as those pointed out by the hon. Member, he could as little accede as to the principles of hon. Gentlemen opposite. The right hon. Member for Pembroke had gone into long statements, from the time of his own retirement from the Government in 1834, as the ground for the present motion: concluding with representing his noble Friend the Secretary of the Colonies as having encouraged the Chartist agitation, to which after all it appeared that the speeches and publications of the right hon. Baronet himself had afforded far more encouragement, than any distorted misrepresentation of what fell from his noble Friend at Liverpool. Into those statements it was not for him to go, beyond those which related to the Naval department. The right hon. Baronet accused the Admiralty of having grossly abused its patronage for political purposes. The right hon. Baronet had stated a number of cases, in which, as he said, naval officers, who had taken a part in elections in favour of Government, had since been appointed by the Admiralty to the command of ships, and of this number he had called the particular attention of the House to two cases. The first was that of Captain Plumridge, who, having taken a part in the election for Falmouth, had been appointed to the command of the Astrea frigate. The words had scarcely passed the right hon. Baronet's lips before the statement was contradicted by the gallant Member for Kinross, and immediately afterwards the right hon. Baronet himself stated facts which disproved his own assertion. The right hon. Gentleman was not a little incautious when he made a statement to the House, holding in his hand at the very moment a paper which proved that statement to be erroneous. The right hon. Baronet himself stated, that the appointment of Captain Plumridge took place in the month of April; the election did not take place till the following August, so that it was at once obvious that the appointment had nothing to do with the election. It was quite true that Captain Plumridge started for Falmouth, but he started for Falmouth, not only without the wish, but without the knowledge of the Government. No sooner was it intimated to the noble Lord at the head of the Admiralty that the gallant officer had taken this step, than his Lordship wrote to him to express his strong disapprobation of the proceeding, and to inform him that the holding his situation was incompatible with a seat in Parliament, and the only reason why the gallant Officer did not at once withdraw from the contest upon this intimation from the Government was, that having started in obedience to the requisition of a large body of the electors, he did not feel that, as a man of honour—he could desert the pledge he had given these electors to go through the contest, On a subsequent occasion, a rumour, he believed an unfounded rumour, reached his noble Friend at the head of the Admiralty, that the gallant Captain was attempting to create an interest in the borough of Falmouth, upon which his noble Friend wrote to the gallant Officer to state, that any interference whatever on his part in the election, or with political interests in Falmouth, would be totally incompatible with his situation. The right hon. Gentleman being driven from the charge that the appointment of Captain Plumridge was the reward of political support, intimated, rather than made another charge, that Sir James Gordon had been removed from Chatham in order to place Captain Plumridge at Falmouth. Was that the charge which the right hon. Gentleman meant to make? The right hon. Gentleman was in possession of information which effectually negatived the possibility of such being the case. The removal of Sir James Gordon, and of others similarly situated, was a matter of purely naval administration, which he would not now intrude upon the House; but he would tell the right hon. Baronet, that if he thought proper at any time to bring it as a distinct question before the House, he would be perfectly ready to meet him. The right hon. Gentleman knew that Sir James Gordon was removed upon a principle universally applied, and that he could not have retained his situation, unless a rule was made for the first time for the special purpose of exempting him from the application of the general principle. The removal of Sir James Gordon did not necessarily make the opening at Falmouth to which Captain Plumridge was appointed. He would tell the right hon. Gentleman and the House, that the appointment at Chatham, when Sir James Gordon was removed, was offered to one, if not two, other officers before it was offered to Captain Clavell, whose removal from Falmouth made the opening for Captain Plumridge. It was offered to the brother of the hon. and gallant Gentleman near him (Captain Pechell), who, if his health had permitted, would have made a most excellent officer, and whose non-acceptance of the office was a great disappointment. If that gallant Gentleman had accepted the situation, there would have been no vacancy whatever for Captain Plumridge. From these facts a fair judgment might be formed of the other statements of the right hon. Gentleman. What was the next? That Lord Clarence Paget, having stood for Southampton, had been appointed by the Admiralty to the Howe. That was a charge which the right hon. Gentleman, with the knowledge of naval administration which he possessed, ought not to have made. It might be true to the letter, but the right hon. Gentleman knew full well that the impression which that statement would convey to any person not acquainted with naval affairs was directly the reverse of the truth. Lord Clarence Paget was flag Captain to Sir R. Otway. He would appeal to his noble Friend the Member for Staffordshire (Lord Ingestrie), whom he saw opposite, a naval officer. He would appeal to the right hon. Gentleman himself, and ask him whether, in point of fact, Lord Clarence Paget owes his appointment to the Howe to the Board of Admiralty. [Sir James *Graham*: To the Admiralty altogether.] He would ask whether it would not be considered a reflection upon the Admiral if his nomination to that command, except for some extraordinary reason, was refused. It was literally true that Lord Clarence Paget was appointed by the Board of Admiralty, but the person who named him to that situation was the Admiral, Sir Robert Otway, and not the Admiralty. These were the two first cases upon which the right hon. Gentleman insisted, as proving that the Admiralty had prostituted its patronage to political purposes. One turned out to be entirely incorrect, and the other, though correct in the letter, was yet totally incorrect as to the real nature of the transaction. The right hon. Gentleman had also said, that Sir John Ommanney had been defeated as a candidate for Hampshire, and was appointed to the command at Lisbon. He did not deny the fact. But did the right hon. Gentleman mean, that from a single instance the mode of administering the affairs of the navy was to be judged of? Look at other appointments. He would take the first appointment to each of the foreign commands, of which Sir John Ommanney's was one. Was Sir Robert Stopford appointed to his command, because he was a political supporter of the Government? Was Sir F. Maitland appointed to the East Indies because he was a supporter of the government, or on account of his own distinguished professional services? Was Admiral Elliot appointed to the Cape for political services? Admiral Elliot had sat for six or seven years at the Admiralty Board; and the hon. Gentleman knew, that according to the usual courtesy of the service, an officer who had held that situation, had, at the expiration of his than any measure framed directly for the purpose upon which any considerable number of Gentlemen on that side could agree? If they attempted such measures they would contribute far more to improvements in legislation than by any other course. To support the Government in such measures as these was not inconsistent with the honest advocacy of the opinions which any Reformer might hold, whilst the necessary result of opposing the present Government would be to displace a Liberal Administration, and replace it by one to which all classes of Reformers were opposed. If, as he hoped and believed, the Government intended to maintain untouched the principles of the Reform Act, and to devote themselves to such improvements as he had mentioned, they would re-assure the country and would secure the support and confidence of those parties without whose assistance they could neither hope to hold power permanently nor to carry out those further reforms which it was their object no less than the wish of the country to see effected.

Sir *James Graham* said, that the hon. Member who had just sat down was perfectly aware that the rules of the House prevented him from replying to him. He was strictly limited to explanation. He, therefore, told the hon. Member that his original statement he would now repeat. It was, that at no period in the history of this country had naval patronage been prostituted to political purposes to the same extent that it had been within the last five years. He was but in explanation. He had stated, and he now repeated the statement, that there was no officer who stood a contest at the last election, above the rank of lieutenant, who was not now in full pay, or in the enjoyment of some civil situation. He illustrated that by the cases he had mentioned. He mentioned especially the case of Captain Plumridge. He was under the correction of the Speaker. The first moment that right hon. Gentlemen intimated to him that he was exceeding the strict bounds of explanation, he should resume his place. He had stated that Captain Plumridge was one of the officers who fell within the category. When he stated that, some Gentlemen on the opposite side of the House said that Captain Plumridge was on full pay before the general election. He then said he would explain the special circumstances of the case, and before he sat down he gave that explanation. To that explanation he now adhered. He did not think himself at liberty to go into any circumstances which passed between him and other persons; but he repeated his statement that Sir James Gordon was compelled to vacate his appointment at Chatham.

Mr. *Wakley* rose to order. He wished to know from the Speaker whether, when an hon. Member rose to explain, he was not first of all bound to state in what manner he had been misrepresented.

The *Speaker* said, that the right hon. Baronet was in order. He was merely restating part of a speech which he had made the other night, which appeared to have been misunderstood by the hon. Gentleman the Member for Halifax.

Sir *James Graham* would proceed, under the Speaker's permission, to re-state what he had said the other night, and in which the hon. Gentleman opposite had misunderstood him. He had stated then, and he stated now, that Sir James Gordon, having the situation of superintendent of Chatham Dock-yard, was compelled by her Majesty's Government to relinquish that situation; that Captain Clavell had been moved from Falmouth to fill it; and that Captain Plumridge had replaced Captain Clavell at Falmouth, shortly before the election for that place. He had stated further, that Captain Clavell still retained his situation at Falmouth. His next position was, that Lord Clarence Paget, having stood for Southampton, had, since the election, been appointed to the Howe—an appointment which could not take place, under any circumstance, without the sanction of the Admiralty.

Sir *C. Adam* was somewhat surprised at the explanation of the right hon. Gentleman, because, if he did not prove, in a few minutes, that that explanation was totally devoid of what it ought to contain, he meant to say, totally inconsistent with facts, he was very much mistaken. The right hon. Gentleman had stated what was true to the letter, that Sir James Gordon had been removed from the situation of superintendent of Chatham Dock-yard. But mark why. Sir James Gordon was appointed in 1832 to the situation by the right hon. Baronet. He (Sir C. Adam) could use stronger terms of eulogium on the conduct of that gallant Officer than those used by the right hon. Gentleman. He would employ them now. As far as he (Sir C. Adam) was concerned, and as far as his noble Friend at the head of the Admiralty was concerned, they were personally attached to Sir James Gordon. They had every motive for keeping Sir James Gordon in the situation, if he wished it, and it were consistent with the rules of the service. But it was not consistent with the rules of the service. When the right hon. Baronet had appointed Sir James Gordon to that situation, he was a captain. Chatham Dock-yard was inferior to those of Plymouth and Portsmouth. The rule was, that at Portsmouth and Plymouth a flag officer should be superintendent of the dock-yard, but at Chatham a captain. Upon this rule, Chatham was not a fit appointment to be held by Sir James Gordon. He was not removed to make way for Captain Plumridge, but because he was made a flag-officer in the general promotion of January, 1837. Sir James Gordon came to him with tears in his eyes, upon being removed from the appointment. He felt for the gallant officer's situation, because he had a large family, and his means were not great. But it was incompatible with his rank as a flag-officer to continue at Chatham, because it was contrary to the rule.

Sir *J. Graham:* Where does that rule appear?

Sir *C. Adam:* Where does the rule appear that there should be a flag-officer at Portsmouth? If it was not a rule before, we made it a rule then, and we considered Chatham not a proper place for a flag-officer. But what was the right hon. Baronet's insinuation? That Sir James Gordon was removed in order that Captain Clavell might be put there. That was a misrepresentation. The fact was, that Sir John Pechell was offered the superintendence of the dock-yard; and, if he had accepted it, how could it be said that Sir James Gordon had been removed to make way for Captain Clavell? It was clear, therefore, that the vacancy was not made in order to appoint Captain Plumridge to Falmouth. Was the situation offered to Sir John Pechell *bonâ fide* or not? He would appeal to his gallant Friend the Member for Brighton. Besides, the election took place in August. The appointment was made in the April before. As his hon. Friend had stated, Captain Plumridge received an invitation to stand. When Lord Minto heard of it, it appeared that Captain Plumridge had pledged himself, and could not withdraw. Lord Minto wrote to him. There was no copy of the letter; but it stated that if Captain Plumridge became Member for Falmouth, he must give up the command of the Astrea, and the superintendence of the packet. Did this prove an intention of putting Captain Plumridge there in order that he should become a political partisan? On another occasion, when his learned Friend Baron Rolfe became Baron of the Exchequer, it was mentioned that Captain Plumridge had received an invitation to stand for Penryn. What was the course which his noble Friend at the head of the Admiralty pursued? He wrote to Captain Plumridge to the following effect:—

> "I take not for granted the report brought to me, which probably proceeds from the sensitive watchfulness of others on such subjects, that you are engaged in cultivating a political interest at Falmouth. As the matter has been mentioned to me, however, I should not act fairly by you were I not to give you a caution, that, in the event of your having such views, they would be considered by the Admiralty utterly incompatible with your present appointment, which cannot be held with a seat in Parliament."

If read a little farther, some hon. Gentlemen might not be so pleased with it. Lord Minto, in the letter, went on to say that,

> "From his experience in that department, he should say that it was the wiser course for officers to refrain from taking a conspicuous part in party politics."

Was not that enough? Did it not prove that there could be no intention that Captain Plumridge should become a political partizan? If it was not enough to satisfy hon. Gentlemen opposite, he was sorry; but it appeared to him sufficient to disprove the inference of the right hon. Baronet, that his noble Friend at the head of the Admiralty was capable of prostituting his patronage for the sake of his political interests.

Mr. *Maclean* was certain that the Gentlemen on his side of the House were perfectly satisfied with the explanations just given. If there were anything wanted to satisfy him of the propriety of the vote which he meant to give on the question now before the House, those reasons would be found in the speech which his hon. Friend the Member for Halifax (Mr. Wood) had just delivered, and the speech which had been delivered on the preceding evening by the noble Lord the Member for Northumberland. What was the reason which that noble Lord and his hon. Friend had given for doing that, which they themselves thought ought not to be done without the fullest and gravest consideration, and which they had done not without the utmost personal reluctance? The reason which had been given by that noble Lord and that hon. Gentleman was, that they who were in the confidence of the Government—who for five or six years had acted with the Government—who, feeling with the Government, had acted in accordance with that Government—that they abandoned the Government because they perceived that it had resolved to carry on its political measures in the ensuing Session in a manner of which they could not approve. If that was a reason for their quitting the Government, and placing it in the hazard and peril to which such an abandonment must expose it, ought it not to be also a reason for conservatives to come forward at this juncture, and show to the country that the Government had no more the confidence of this House, than it had the confidence of the noble Lord and the hon. Gentleman who so lately belonged to it, and who ought to be best acquainted with its real character and intentions? Was there no other reason that would suggest itself to hon. Gentlemen for taking this step on this question? Was there not also the evidence of the noble Lord at the head of the Government, Lord Melbourne, who declared a short time since, that any Government which did not possess the confidence of the country, and which could not carry on its measures, was the worst possible form of Government with which a country could be afflicted? If these were the opinions entertained by the noble Lord now at the head of the Government, and by the noble Lord and the hon. Gentleman who so lately belonged to it, let them see whether they were inconsistent with the declarations of other hon. Members of that Government. What was the language of "the first Cabinet Minister," the right hon. Member for Edinburgh? The House might recollect, that when that right hon. Gentleman lately addressed his constituents, he told them that the position in which he found the Ministry on his return was very different from their position in 1834. Then they were stronger in the favourable opinion of the people. On his return to Parliament, he should find them solely dependent on the support and favour of the Sovereign. But that hon. Gentleman who had this evening addressed the House in defence of Ministers, appeared to overlook the grounds of accusation which had been so ably put forward by the right hon. Baronet the Member for Pembroke. The charges put forward by the right hon. Baronet were, that in the course of last year and the years preceding the last year, the Government had given its support and countenance to those who chose to take on themselves the agitation of the people, and that Chartism had arisen because the Government was either too feeble to repress it, or wicked enough to countenance it. The answer which it had been attempted to give to that was, that Chartism sprung from the agitation against the Poor-laws. The argument of the hon. Gentlemen opposite was, that agitation commenced from this side of the House. Now he would ask hon. Gentlemen opposite this question, whether it were not true that long before the speech delivered by the noble Lord opposite, that noble Lord was not cognisant of the fact that doctrines of a most inflammatory kind had been promulgated under the very nose of the noble Lord in different parts of the country, and especially at Monmouth? Two Gentlemen of this House who supported the Administration, but one of whom was no longer a Member, were in the habit of making use of language which appeared as lamentable in its character and tendency as it had proved in its effects, without receiving the slightest rebuke from the noble Lord. If the noble Lord should say that Chartism was attributable to the agitation against the Poor-laws, he would ask, had not that very agitation originated with Gentlemen who had given the Ministers the most valuable support, and whom the noble Lord (Lord J. Russell) himself had raised to offices in the state? Had not Mr. Whittle Harvey been an active agitator against the Poor-law? Had he not attempted to publish, and did he not publish evidence taken before a select committee of this House on that measure, in direct opposition to the recommendation of the House? The Chancellor of the Exchequer brought forward the case for the consideration of the House, and yet Mr. Harvey persisted in claiming for himself the privilege of publishing that evidence. Whom, then, he would ask, had the noble Lord selected to fill a post not existing by the common law, but actually created by statute? Whom? he would again ask. Why this very Gentleman, Mr. Whittle Harvey. Was it fair, then, to charge on his side of the House, exclusively, that agitation against the Poor-law which the noble Lord himself had thus encouraged, and when he had sitting beside him the hon. and learned Member for

Dublin, who was of all men the most bitter in his opposition to a measure of Poor-laws for his own country, and had used every endeavour to obstruct its enactment? His hon. Friend, the Member for Lincolnshire, was kind enough to say that he had prophesied that Ministers would be unable to carry on the affairs of this country for a year without going to war. If the hon. Member for Lincolnshire would allow him to prophesy again, he would prophesy that if that hon. Member should on his return to his constituents, tell them that he had come forward this night to resist the motion of the hon. Baronet the Member for Devonshire, and to support this Government, because they were a Government of progressive reform, which would terminate in the abolition of the corn-laws, he would prophesy that the hon. Member would not have another opportunity of supporting this Government. But, in reference to his former declaration, he would acknowledge that he had said that the Government could not exist for a year without going to war; and he had said that because he did not think it possible that a British Government would ever submit to what this Government had submitted for the purpose of avoiding the consequences of a war. The noble Lord opposite might boast that he had preserved the peace of Europe; but he would ask whether he had not preserved it at the expense of the national honour and national character? He would ask the noble Lord, whether the flag of England had not been foully insulted lately, on two separate occasions? Ought the noble Lord to congratulate himself on preserving the peace of Europe at the risk of national dishonour? When the flag of England was, a few months since, grossly insulted by France, was the noble Lord satisfied with the apology offered by the French Government? [Viscount *Palmerston.*—Perfectly satisfied.] The noble Lord said that he was perfectly satisfied. Now he would tell the noble Lord why he was not perfectly satisfied. It was true that the French Government tendered an apology, in which they stated that they would not have permitted the insult to be offered, had they known that the vessel belonged to the Queen of England, but it had not reprimanded the captain, and had suffered its officers subsequently to insult our flag. He would ask the noble Lord whether, in preserving the peace of Europe, he was satisfied with the state of affairs in the east? There was no man better acquainted than the noble Lord with the ambitious projects, the power, the aims, and the progress of Russia, or more conscious how essential she deemed it to her own plans of aggrandizement, that as she had not the physical means to destroy the national greatness of England, she should undermine our commercial and political influence with other nations. What did the noble Lord think of the opinion entertained of this country through the whole of the continent in consequence of the manner it had submitted to the insulting course pursued by Russia—its utter want of vigour in not demanding redress for the insults heaped—and utter humiliation, in not accepting, but framing apologies for those insults? Was the noble Lord satisfied with the course which had been pursued by the French in Algiers? Was he satisfied or not with the state, progress, and position of the French in that country? It was under a positive guarantee given to this country by the French ambassador, that no more was meant than to chastise the insolence of the barbarians, who had insulted their honour, that they were permitted to invade the Algerine territory. He would ask the noble Lord whether he had taken any steps to prevent the further progress of the French in Africa, or to restrain them within the limits which were originally guaranteed, or even to those which they subsequently acquired? In the French Chambers there was lately a discussion on the question of Algerine colonization, and it was then given as the opinion of a gentleman of high rank who had lately come from Algiers, that it was now their interest to continue to possess the whole of the territory which they had already acquired, and to extend her system of colonization, so as to embrace the largest possible tract of the continent of Africa. He would next beg leave to direct attention to the state of our relations in Asia. It would be in the recollection of the House, that a more disgraceful outrage was never perpetrated on a British subject—and that subject an ambassador to a foreign court—than had been perpetrated last year on our ambassador at the court of the King of Persia. The causes from which that insult originated were detailed in the papers laid on the table of this House. In those papers Sir John M'Neill told them that it was attributable to the baseness of Russia, and the undisguised intrigues of her ambassador. There could be no pretence on the part of the Government, that they were not aware of the correspondence which their northern rival had been carrying on with the different Governments of the east for overthrowing British supremacy. The same course had been pursued by every Czar from Peter to Alexander. The sole aim of all, was the exclusion of British commerce from the markets of the east. For the attainment of this object, they had preserved with a consistency worthy of a better cause—[*Cries of "Divide."*] He would not trouble the House at any length on these subjects, but as no other Gentleman had touched on them, he would throw himself for a few moments on its indulgence. He was about to show the rise and progress of Russia, previously to 1830. Previously to the commencement of the negotiations with Persia, the commerce of England with Georgia and the neighbouring nations, amounted to a million and a half annually. He would ask the noble Lord whether that commerce was in a flourishing condition now;—and, if it were not, what had prevented its prosperity? The noble Lord had had opportunities of impeding the operations of Russia in that quarter, and of preventing that country from disturbing our relations in the East Indies. He would ask the noble Lord, had he availed himself of those opportunities? What was the reason of the march of those troops to whose victories they were so much indebted, and in whose triumphs no man delighted more sincerely than he? What caused the movement of those troops? What brought them into that position? The noble Lord knew perfectly well, that it was the intrigues of the Russian Government at the court of Persia. The noble Lord knew, not by suspicion but by facts, which were in the possession of the Government, that the negotiations of the Russian Government, were the cause of that expedition, which had been crowned with such success. That being the case, did the noble Lord not feel that some attention should be paid to the immediate steps taken by the Russian Government in consequence of that victory? Had he remonstrated with that Government for its expedition to take possession of Chiva, the key to Teheran? The schemes partially developed, previously to 1828, were now realized. The Russian Government had never lost sight of its object, of planting its standard in our Indian possessions. Was the noble Lord satisfied with the progress of that Government? There was also the case of Poland. He considered this country in some measure responsible for the miseries to which that unhappy nation was subjected—as it had taken no steps to secure any of its rights or privileges, much less to restore its nationality. There was another portion of our foreign policy—he meant that part of it concerning Spain. Every one must be aware of the unfortunate state in which Spain now was. He would ask the noble Lord, in connection with this subject, had any steps been taken to liberate Don Carlos? The hon. and learned Member proceeded to discuss the state of the national finances, but the impatience of the House was so great, that we could not catch the purport of his observations. The hon. and learned Member in conclusion observed, that he felt convinced that the motion would be carried by an overwhelming majority.

Mr. *O'Connell:* Sir, it is not my intention to trouble the House with any reply to the speech, the able speech, no doubt, which has just been delivered by the hon. and learned Member for the University of Oxford. I certainly had not the good fortune to hear that speech throughout, and I therefore leave the unbroken force of whatever arguments the hon. and learned Member has adduced, to the benefit of the party of hon. Gentlemen opposite; and I leave the Ministry to bear the whole brunt of whatever arguments the hon. and learned Member had adduced against them. I solemnly assure the House, that it is with unfeigned regret that I feel it my inevitable duty to address them on this occasion; and that regret is not a little enhanced by the circumstance, that, although various matters have been brought forward, so abundant as to tempt me to trespass on the House at greater length than the House would, probably, be willing to endure, and certainly, than I should be disposed to occupy, I do not think that this debate is likely to raise this House in the opinion of the public, or of the statesmen of Europe. I do not think there has been any of that sagacity which might have been expected to have been exhibited by statesmanlike minds; on the contrary, a species of paltry controversy has arisen, undeserving of such an occasion as the present—this momentous occasion. The great question which the House has to decide is, how this great empire is to be governed and managed, because the manner of management in the present case depends on the men who have the conduct of public affairs. We have to decide upon what principles twenty-four millions of British subjects are to be governed; we have also to decide upon the fate of probably 100 other millions of human beings dependent on our control. And how has this subject been discussed? Seven or eight Gentlemen who have spoken, have talked of where I dined. Yes, this has been a fruitful subject of eloquence for the great statesmen who have addressed the House on this most important occasion. I really do think that the ridicule will be interminable, the laughter inextinguishable, when it goes abroad that the greatest question which has ever agitated this House, has been decided by the frequency with which I have dined with the Lord-lieutenant of Ireland. The case, indeed, is twice as strong as it has been put, for I have dined twice with his Excellency. I am glad that the Gentlemen opposite did not discover this sooner, for then, instead of five, we should have had ten discourses on the subject. If the hon. Gentlemen opposite only knew the excellence of the wines and the dinner, so as to have described them, there can be no doubt that they would have carried by a great majority, a motion in opposition to anybody who has dared to give me a good dinner. I dare say I keep a fair ledger account of my hospitality with most people, and I hope I have given quite as many dinners as I have received. I will now pass to another subject. I have been the subject of many observations in the course of this debate. I have been called a repealer. Why, Sir, I am a repealer, and has anything happened in the course of this debate to shake me in that opinion? What said the hon. Member for Durham (Mr. Liddell)? Did he speak of this being the Parliament of the United Kingdom? He talked of English and Irish majorities. He stated as a charge against the present Government, that they had an Irish majority. The question has been asked publicly, and I ask it again, is there any difference between an Irish and an English majority? And the hon. Gentleman has introduced into discussion the fact of my having been honoured with the offer of the Chief Barony of the Exchequer in Ireland. And what was the defence? Why, at that period the repeal agitation had ceased in Ireland, because the people of Ireland had hopes that that House would do justice to Ireland. But I refused that offer, and I do not think that that is an example likely to be followed by the other side. I am sorry to speak of myself, but really I am forced to do so. I refused that offer upon two grounds. First, because I could not trust myself to accept it; for I own candidly, that I was afraid that I should fall into partiality to one party or another, that I should either show favour to those who agreed with me in religion or politics, or, which is the worst sort of partiality, that I should decide in favour of my opponents when they were in the wrong, in order that I might avoid the accusation of doing wrong myself. Thanking respectfully those who made that offer, I refused and rejected it on the grounds stated. I have seen some men talk loud and long—men violent in their politics, and truculent in their language—merely to force themselves into notice, in order that they might have the chance of such an offer. The right hon. Baronet opposite (Sir James Graham) has done me the honour to notice me particularly, and with that candour for which he is so eminent, has charged me with having compared myself with Papineau; and then the right hon. Baronet proceeded to state, that Papineau was a traitor, who had fled from his country, not daring to stand his trial when a charge of high treason was brought against him. I appeal to the House whether the right hon. Baronet did not assert that I had compared myself to Papineau. The right hon. Baronet ought not to have forgotten, and if he had not learned, he ought not to have assailed me—he ought not to have forgotten to read the remainder of the passage in which I compared myself to Papineau. I did venture to do so. I said that we both had considerable popular influence, but that he had an advantage over me, because he had a majority in the Commons' House of Parliament in his favour; but I went on to say, that he was a traitor to the people as well as to the Crown; because, instead of using moral means, when it was in his power to do so, he had resorted to physical force. The right hon. Baronet took care to omit the remainder of the passage which I have just quoted. I succeeded, Papineau failed, and for this very reason, that I looked to nothing but moral means, he resorted to physical force. I have said more than enough on this subject. I now ask the House, after this debate has lasted so long, what are the principles of Government that have been held out by hon. Gentlemen opposite? Their case is this, they come before the country and ask this House to turn the present ministry out and let them in, not merely to declare a want of confidence in the present ministry, but to declare confidence in those who must replace them. That is a matter of course. What foundation do they lay for this? Have they declared on what principles they intend to govern? We have heard a great deal of attacks on Ministers, of gibes and jeers at the result of the division, and yet we have not heard one distinct affirmative anunciation of the principles on which the Gentlemen opposite intend to govern. We have not heard what they will do in England, and least of all, what they mean to do in Ireland. I ask, what are their principles? Hon. Gentlemen opposite, say that the country is much disturbed, that disaffection prevails amongst numerous classes, that dissatisfaction is widely spread, and we heard terrible accounts of the state of the midland counties from the hon. Member for the county of Nottingham (Mr. Gally Knight). That account, I dare say, was not exaggerated, however frightful it may be. Armed Chartists, secret lodges, organization of men, weapons of a most fearful character, and, worst of all, English conspiracies for assassination—yes, nine or ten victims marked out for assassination—such is the state of England as described by the hon. Member. We have heard of outbreaks at Sheffield and at Bradford, of rebellion in Wales, and that the situation of England is so bad as not to be described, and at such a period as this, have hon. Gentlemen opposite no panacea to offer? Have they no cure? Do they think that the people of England have no grievances? Will they tell us that they will redress those grievances? Will they redress any of them? We have now been debating four nights, and we have not yet been told of any plan for the redress of grievances. Talk of force, every constitutional force has been used, and whenever an outbreak has occurred, it has been met by the present Ministers with more than abundant force to suppress it. What will hon. Gentlemen do? Will they redress the grievances of the country? Will they turn Thorogood out of gaol and free the Dissenters? Will they prevent the gaols from being filled by those who, following Thorogood's example, and acting under what Gentlemen opposite call a mistaken, but certainly what I call a conscientious feeling, offer resistance to the impost of church-rates? Will they do this? No, they talk not of doing it. They dare not do it, for if any of them thought of doing it, instantly the party would break up. How stand hon. Gentlemen opposite on this subject, which is so interesting to the Dissenters and Roman Catholics? Will the Gentlemen opposite decide this question and give relief? When the present Government proposed a plan to ameliorate the law upon this subject, by a better collection of the revenues of the church, having the additional advantage of giving a fixity of title to the tenants of ecclesiastical property, and applying the surplus to relieve the country from the payment of church-rates, this plan was successfully resisted by the Gentlemen opposite, and they thus left that grievance festering in the country, and producing very naturally disaffection and disturbance. But hon. Gentlemen opposite dare not do otherwise. The hon. Baronet the Member for Oxford University (Sir R. Inglis) chuckles at this, and will no doubt point to the number of petitions he has presented in favour of church extension. I tell the hon. Baronet, and he will not deny it, that this means a grant of public money. I ask at once, does the hon. Baronet mean to give the public money to the present church? You cannot give church extension without money. I ask, then, is this one of the cures, one of the emollients for the grievances of the country which the Gentlemen opposite are ready to administer? If they gave public money to the Church of England, must they not give it to the Church of Scotland, and with what face can the Protestant Dissenter, and the Roman Catholic, be called upon to support a party whose great object is to protect Protestanism by drawing out of the public purse the greatest possible quantity of money they can lay hold of? Perhaps, if the Gentlemen opposite have not already stated it, they will now state what they are determined to do upon the corn-laws? In the present state of the country, I ask them, do they think that the working classes, disaffected as they are, breaking out into rebellion as they are, do they think that those classes will be pacified by holding out to them the impossibility of altering the corn-laws? Talk of difference of opinion on this side of the House, but what is it compared with the difference amongst the trading Members on the other side on this subject, leaving to the present Ministry this advantage, that with them it is an open question, and some of them voted for going into committee, and making an inquiry, the first great step towards the repeal of an unjust law; but Gentlemen opposite tell the starving manufacturers, that they are to have no relief from the present graduated scale of duty—a duty increasing as the price falls, and diminishing as the price rises. Will Gentlemen opposite ask the country to rally round them on this question? I do not think they will be wise to do so. Let me remind the Members of the House, who may be disposed to place confidence in Gentlemen opposite, to pause before they admit those Gentlemen to be capable of curing the public diseases, and of putting an end to the disaffection of the operative classes. It is advisable first to look abroad and inquire what is the feeling of the people. There have been three meetings held of late at the great town of Manchester. The first was a meeting of the middle classes, composed of three or four thousand men, and need I inform the House what was the result of that meeting. The second was a meeting of the operative classes, amounting to about 5,000 men. Did hon. Gentlemen opposite hear of the conduct of those men, of the propriety of their demeanour, of their respectful attention to those who differed with them in opinion, and of the distinctness with which they applauded everything that was argumentative, and rejected all that was mere declamation? Talk of danger to the Throne, and of the disaffection, of the people, if that danger really exist, if there be that disaffection, if they placed themselves in opposition to the general and just call for the repeal of the Corn-laws, see how they would aggravate the mischief and increase the disaffection. There was a third meeting at Manchester, on Tuesday last, the very day on which this debate commenced. That meeting was composed of 7,000 persons, and the discourses there delivered would do no discredit to this House; and I ask, are such men to be shaken in their determination by those who refuse any remedy? It is worth while to ask this question, when we recollect that what we have to consider is, whether we shall have as Ministers, men who will give no relief whatever to the manufacturers, or those who leave the Corn-laws an open question, who leave it for discussion and evidence, to convince even those who are unwilling yet to yield? I say choose between them, but before you choose, hear the voice of those principally interested, and hear the interpretation put upon those laws by the operatives. At the great meeting to which I referred, an operative of the name of Filligan spoke in the following terms:—

> "I too will say, that if I were to come forward and say, as a working man, that the repeal of the Corn-laws is a final measure of reform, I should deserve all the opprobrium you can heap upon me. I come forward to advocate the repeal of the Corn-laws as a step towards getting that which is the inherent right of every individual to have who is a born subject in this country. I do not attend here tonight for the purpose of asking the aristocracy to pass a law to make bread cheap. I only ask for a repeal of that law which makes bread dear. I do not stand here to get the aristocracy to pass a law that will infringe on the private property and vested rights of any individual, but I ask for a repeal of that law which infringes upon my private property and vested rights. The aristocracy say, that if you repeal the Corn-laws you infringe upon their vested rights, but I ask every working man, has he no estate? Was I not born to a most noble estate, the industry of these hands? And I contend that any law which prevents me exercising my industry is an infringement of my private property. Consequently, I stand here to demand a repeal of the landlord's robbing law."

This language comes from a man who as yet has not joined the Chartists, but he calls the Corn-laws robbing laws. The Gentlemen opposite tell this man that they stand by these laws; that they are necessary for landlords; that they are, like the laws of the Medes and Persians, unalterable, whatever be the consequences, and do they expect that such a man would give them his support? Is such conduct likely to allay this dissatisfaction of the country, and, I ask are those wise statesmen who, because the landed aristocracy and the clergy have joined their party, refuse to hear the working man pleading for his just rights, and entreating to be allowed to earn the greatest possible quantity of bread by the labour of his hands? There is another topic upon which Gentlemen opposite have no kind of hope. Hon. Gentlemen, on this side of the House, have been taunted with finality upon the subject of reform. The word "finality" dropped from them, and has been fathered on them by some friends and by many enemies. There is no doubt of the finality of the Gentlemen opposite on this subject. I cannot but regret the secession of the noble Lord, the Member for Northumberland, but in that secession I do not know that he has shown as much of good sense as of nobleness of feeling. This I know, that his secession has shown that there is a desire for progression on this side of the House, for the noble Lord has forsaken Ministers. I know not the limits of their differences; but he has forsaken them because they were more progressive than he wished. With Gentlemen opposite it is quite otherwise. There is to be no extension of the present franchise, not one other Englishman is to be admitted into the franchise; no, the Gentlemen opposite are determined to restrain the community within the paltry measure of the extent of the Reform Bill. What sanctity have Gentlemen opposite discovered in the Reform Bill, that they refuse to persons, equally well entitled with those who enjoy it, a participation of the benefits of the franchise. I am not speaking to you alone, but to the people of England whom you exclude from the franchise, and who, when they apply to be restored to it, you turn away and refuse to listen to them. You place yourselves in the high and lofty situation of being solely entitled to political power, and you spurn from you those who would claim to share it with you. Now, upon what hereditary prescription do you lay claim to this exclusive authority in the state? The right hon. Baronet, the Member for Pembroke, —he, to be sure, is of high descent—he traces his pedigree to John of the Bright Sword; and the noble Lord—he claims descent from no less a personage than Edward the Confessor—and they tell the artizan, from their high and irresponsible position, not to come "between the wind and their nobility." This might possibly be borne from them; but the right hon. Baronet, the Member for Tamworth, his case is different—he came from a lower, but a more illustrious origin — his position and circumstances were the rich reward of talent and industry, which, however, would never have produced their fruits but for the high and unblemished integrity with which they were accompanied. The industrious people of England had therefore a right to complain of the right hon. Baronet, for he had belonged to their class, and now he turned about upon them, and would deprive industry and integrity of that participation in the legislation of the country to which they were as entitled as himself. Why, what was the theory of the constitution but this —that taxation was just because the people were represented, and were taxed by their own representatives; but that it would be a robbery if the people were taxed by other authority than that of their representatives? The party opposite said the people should not be represented; and yet their own writers told them that if they were not represented it would be a robbery. They have told the people of England that there are two classes in the state; the first, a master class, being householders of 10*l.* a year, and that these should be represented; and a slave class, which did not come within their category, and who were not to be represented. These were told to be gone: ample as were their grievances—just and equitable as were their claims, redress they should have none. And yet that party now dare to appeal to the country, and say they would govern the country supported by the sense of that people whom they would exclude for ever from their franchise. No; they do not even hold out a hope that at some future period the unenfranchised shall be admitted to their rights. No; they have taken their stand upon this point, and they thought they would be right in taking the sense of the country upon it. And what said the people upon this subject? At the same meeting to which I have just referred, an address was agreed to to this House, in which he read the following passage:—

"Still we are burdened with sinecures and pensions, outraging the feelings of every honest and industrious man, a political state church, that, by its extortions and intolerance, under the cloak of religion, brings the sublime and hallowed doctrines of Christianity into disrepute; a standing army as numerous and expensive as if we were at war with all Europe; a ponderous debt that presses most disastrously on the financial interests of the country; a new poor-law brought into existence, whilst the cursed and abominable corn-law exists, by which the food of the people is restricted, at the same time they are starving by thousands in the land of their birth; and in the midst of all this we are told that the reforms already effected are to be final, and that no farther relief from our present state of political slavery shall be afforded us by you. Already has this doctrine of finality been productive of the most disastrous effects. A spirit of disaffection has exhibited itself in different parts of the empire, and the lives of some of our fellow-subjects have been sacrificed. We deeply deplore this; we are as much opposed to violence as yourselves or any other body of men in her Majesty's dominions. We have never joined in any effort that has been made to alter the present state of things by force. We are determined to seek for and obtain our rights by all lawful and constitutional means; but we hesitate not to express our apprehension, that unless such concessions be speedily made by you as shall meet the wants, the wishes, and the intelligence of the people, the recent outbreaks are only the forerunners of an amount of destruction and loss of life that will be productive of incalculable mischief to the best interests of the country, and will leave a stain on the character of its legislation that will not be easily obliterated."

This was their declaration. Now he would ask, the hon. and learned Member continued, were these people to be excluded for ever from a voice in the state; and above all, was the doctrine about illegal meetings to be pressed to this extent, that it would be in the power of the Government of the day to prevent these meetings, which might properly be looked upon as the safety valve in our political scheme, allowing the evaporation of passions, which explode and burst the whole machine. He did not advise an appeal to force; but when they found a total refusal to accord the just rights of the people—a flat denial of all redress for any of their grievances—when they found this producing irritation and disaffection throughout the country, he asked, how could the party opposite pretend to undertake the administration of affairs under such circumstances? Yet the noble Lord opposite said last night that he was ready to take office—that he was prepared to assume this responsibility, and at this very moment. Let him do so —let him come into power, and then let him immediately proceed to increase the army, to increase the police force, and to arm the yeomanry throughout the country; and with these materials risk the edifice of the state to its very foundations? But what would they do with Ireland? How would they govern Ireland? By whom, and for whom, would they attempt to govern Ireland? Would they attempt to govern her by the party who had in this debate expressed their dissatisfaction of the present Government, by such perfect specimens of meekness and modesty as the learned sergeant for instance, and of course with a total absence of political feeling. He asked again, how would they govern Ireland, and by whom? He knew that the right hon. Baronet would this evening give the House some very excellent phrases of conciliation, and make ample professions of his intention of doing justice, with impartiality, to all. But he had heard the same sentiments before from the right hon. Baronet, and uttered, he had no doubt, with equal sincerity; and the right hon. Baronet's entire sincerity he would not for a moment call in question. But was not the right hon. Baronet the same man as when he was last in office? Were not his opinions the same? And the gallant officer, too, than whom a braver soldier did not live; he had not changed his opinions since he last governed Ireland; and yet when he went over to Dublin in 1834, where did the Orange flag wave? It was hoisted as the right hon. and gallant officer's banner, No! The fact was the right hon. Baronet had not the materials amongst his party to govern Ireland. Ireland was in a state of suppressed rebellion, which would break out into open insurrection at the very idea of such a Government coming again amongst them. The hon. Member for Wakefield, whom he was sorry to see abandoning that protection which Ireland had been proud to receive from him, had talked in this debate as if there were two parties to determine between. But now, what were those two parties? There was a whole people on one hand, and a party on the other. If that party prevailed, the cause of the people was lost. He would entreat the House to consider something of the history of Ireland. It would be taxing their patience too much to go back to the times before the union. Ireland had suffered for 600 years. [*Ironical cheers and laughter from the Opposition.*] Was that laugh intended to deny the fact? If so, he pitied their ignorance who uttered it; or if it were not so intended, and the fact once admitted, he could not respect the feeling which dictated it. Ireland had suffered 600 years of oppression; and this was a fact which hon. Gentlemen opposite laughed at. But what was the history of Ireland since the union? For between twenty-nine and thirty years—for the Whigs had been in office for one year during that period—the Tory party had governed Ireland, and for twenty-five years out of that time, the Habeas Corpus Act had been suspended, or the Peace Preservation Act had been in operation, depriving the people of their constitutional rights. Twenty-five years had they thus coerced Ireland, and why had they not quieted her. And how would they hope to quiet her now, if they came into office? Was there one individual of that party who would not raise the shout of exultation if the right hon. Baronet were to come into office—and would they not kindle bon fires from one end of the country to the other to signalise their new advent to power. The learned Sergeant had been obliged to admit the present tranquillity of Ireland; and was ever such an admission made before in this House — was there ever a four days' debate in this House in which so little had been said about Ireland? How different from the learned Sergeant's course on former occasions, when he came down with his hand full of lists and documents, and papers as bulky as a volume of the statutes at large, and gravely impeached magistrates and officers without number. But if tranquillity was shown to exist in Ireland, had the party of the learned Sergeant done anything tending to promote it? Not by any act of their Government, for, thank Heaven, they were not in power; perhaps they had done so by their recommendations; but was there any one who could get up and say, that he had heard anything of a conciliatory nature uttered at any one of their meetings? If there had been such, it had since been buried, and lost in silence. But, on the other hand, had they not by their press worked in a way directly the reverse, pouring out the phials of their wrath, against every person and every principle dear to the people of Ireland? Their leading journal had gone to an enormous extent in order to assist in walking them into power to-night. What was the language used in this journal in respect to the Irish people? They were called "brutes," "ignorant savages," "worse than the cannibals of New Zealand." What was said of their clergy? That they were "surpliced ruffians," "sanguinary monsters," "a demon priesthood." Good heavens! Was he in a civilized—a Christian country? Day after day, and week after week, were these abominable insults poured out against the clergy of the people of Ireland—men who had clung to the cause of their suffering fellow-countrymen with desperate fidelity — who were their only comfort and friend when deserted and oppressed by all the rest of the world, and when at the bed of sickness and death, the blood of youth was prematurely sapped by disease and poverty. He repeated it—the opposite party had done nothing to promote the tranquillity which existed in Ireland at the present moment; but, on the contrary, the very reverse. How had their clergy acted? The noble Lord last night pronounced an eloquent eulogium upon Mr. M'Neile, he had spoken of his charity, of his eloquence, and of the admirable tenets which he had heard in a speech delivered by him. He (Mr. O'Connell) would now beg to read a passage from a sermon delivered by that reverend gentleman at Manchester. What said this reverend and charitable minister of God?—

> "War, war to the knife. They tell you that we are ministers of peace, but where are we to find that, I ask? Not in any part of the Scripture that I know of. There is nothing like it in the Bible. We are the ambassadors of Christ, [*Oh, oh!*]

What! were they tired with so short a sermon?—

> "We are ambassadors of Christ—Christ, who said, 'you think that I come to bring peace amongst you, but I come to bring a sword—what peace can you expect to have whilst the woman Jezebel lives in the land?'"

This was one of their moderate supporters! But who was this woman Jezebel? He knew there were many persons who said it was the Queen. He did not say so himself, though he had thought it so when first he heard the observation, but its application in that manner had been denied by the rev. gentleman, and therefore, he did not take it in that light now. But if it was not the Queen, who was the woman Jezebel? What could the term mean, but the religion which was professed by the great majority of the Christian world? It was either the Queen, or the religion of Ireland, and of the greater part of all Europe. The Irish people were still tranquil, although the Tory party put the English clergy in the pulpit to preach down their clergy and their religion in this abominable manner. And this was the preacher who, together with Mr. M'Ghee, was invited by Lord Wharncliffe, a gentleman not naturally given to fanaticism, but perverted to it by the baneful influence of politics, to meet the Protestant Association at Sheffield. Now, he wanted to know what had been preached here. Had there been no fanaticism directed against the Queen? Had there been no treason directed against her? The man who spoke of Victoria might say he did not mean the Queen; but he (Mr. O'Connell) could hardly lend credit to the assertion. However, when he came to the person whose speech he meant bye and bye to read, he would give him the benefit of any explanation he had made or could make. But what were the sermons that had been preached? He knew that the House was averse to the reading of extracts, and he would not intrude upon it by any lengthened quotations, but he held in his hand a couple of documents, from which he could not withstand the temptation of selecting a few passages. The first was a sermon delivered at Worcester on the 5th of Novembe last, by a remarkable preacher, the reverend Frank Hewson, who said,

> "We see a striking resemblance to the dispensing power which James the Second assumed, now pursued by the Government in not enforcing the remaining laws against Popery. More, we see a striking resemblance to the foreign influence which James was under, in the present position of affairs at Court, in the crowds of followers who infest the palace of our Queen, and fill her mind with Popish and un-English sentiments."

The orator went on to Universities, Education, Papists, the Privy Councillors, Dissenters, Horror, Town-Councils, and winds up with

> "Lastly, there is a striking resemblance to the supposed birth of a prince of Wales in the time of James the Second, to the supposed marriage of our Queen to a German prince, whose family are all Papists. When an heir was born to James, the hope of England fell to the ground. In the prospect of a nominal Protestant becoming the husband of our Queen, is the prospect any better."

James II. lost his throne, and deserved to lose it; but what was the inference which this preacher would draw from the parallel which he instituted? Why, that as James the II. lost the throne for leaning to Popery, so Queen Victoria should be deprived of her Crown for marrying a pretended Protestant. He (Mr. O'Connell) came next to the sentiments of a man who took a higher tone. He was now going to direct the attention of the House to the celebrated speech at Canterbury. Before he did so, however, wishing to act with perfect fairness to the person whose name was at the head of this speech, he must observe that that person had declared that the object of his attack was not the Queen but the Ministry. He would only observe, let those who knew that person best, believe him most. He would read the speech and leave the House to judge of the person to whom it was intended to be applied. Thus it begins:—

> "First, I shall direct your attention to the fearful growth of Popery, allied as it is with atheism, infidelity, and the voluntary or anythingarian principle. Her Majesty's Ministers have recognised this medley as their rule of faith, as exemplified in their precious scheme of education without religion; and I grieve to say, that her Majesty herself has shown too much countenance to the enemies of the Protestant Church. Brought up under the auspices of the citizen King of the Belgians, the serf of France, and guided by his influence, the Queen thinks that if the Monarchy lasts her time it is enough."

Meaning thereby, as the speaker afterwards explained, the Ministers. Truly, an ingenious inuendo—reduced to plain English, it was to read thus:—

> "Brought up under the auspices of the citizen King of the Belgians, the serf of France, and guided by his influence, the Ministry thinks that if the Monarchy lasts its time it will be enough. 'But the people of England will never consent that the Crown shall be degraded and debased for the inglorious ease of any created being.' (Here there were 'tremendous cheers).' 'Nor will they consent that the personal wishes and caprices of the Sovereign' (the Ministry again) 'shall direct the conduct of the executive. The Monarchy has its rights; but it has also its duties; the people of this country will not be trampled on by Pope or Sovereign'—(still less by the Ministry) 'still less will they endure that a petty German Prince shall hold the fair realm of England in fee farm. We have not forgotten the forced abdication of the Second James.' (This, of course, applied to the Ministry.) 'Nor are we ignorant that the title to the throne of these realms is that derived from a Protestant Princess. No one can regret more than I do the growing unpopularity of the Queen' (meaning the growing unpopularity of the Ministry) 'and her court'—(meaning the court and the Ministry.) 'But look at the composition of that court and its acts. The courts of former Sovereigns have been as frivolous—more vicious, even, than the present; but the Government of the country and the direction of public affairs have been carried on by statesmen of known and recognised ability, honour, and independence—men who were neither the boon companions of the Sovereign, nor the willing slaves of his follies and caprices.' (This was

all the Ministry.) 'I believe, in my conscience, that the favorite equerries are younger, better looking, and better dressed men than Sir Robert Peel—that Lord Melbourne can tell a tale meet for a lady's ear far better than the Duke of Wellington, and that neither Lord Stanley nor Sir James Graham can compete with my Lord Normanby in getting up a pageant."

He supposed that every loyal man in the House wished to have the Queen spoken of in that manner. Was there a gallant Officer on the opposite benches who did not feel indignant that such language should be applied to the Queen. Was there a really loyal man in the House who would not deplore and denounce such ribaldry. 'Twas said that these observations were not intended for the Queen—that they were insinuations against the Ministry. He would read a few more extracts, and leave the House to judge for itself:—

> "Look at the appointments that these men and women have lately made. There is not one of them that is not a direct insult to the nation. See the Irish Papists preferred to place, to power, and to patronage. I shall take leave, on thus referring to them, to contrast the solemn oath sworn by her Majesty at her coronation with her subsequent acquiescence in these acts. This oath is the compact made between the Sovereign and the people—its obligations are mutual. I will now read it to you, and be you judges whether or no they have been truly fulfilled. Here are the late appointments of Papist councillors. I take them together, and thus I cast them from me with disgust and indignation."

One passage more he would read, which really related to the Ministry. But before he did so, he must observe that, as a man of conscience, he could not do otherwise than believe that all the passages to which he had just called the attention of the House related to the Queen, and to no one else. It was painful to him to contradict any assertion that any Gentleman might make; but was there a man in the House—was there one on the opposition benches who would not stand up and say that the passages he had quoted applied to the Queen? The speaker came afterwards to the Minister, of whom he said,

> "His sheet anchor is the body of Irish Papists and Rapparees whom the priests return to the House of Commons. These are the men who represent the bigoted savages, hardly more civilized than the natives of New Zealand, but animated with a fierce, undying hatred of England. I repeat, then, deliberately, that the Papists of Ireland, priest and layman, peer and peasant, are alike our enemies—aliens as they are in blood, language, and religion."

The last remark he (Mr. O'Connell) did not attribute to the Canterbury orator. He admitted that it was a quotation from a much greater man, a quotation borrowed from a speech of the leader of that party which they were told made the Ministry weak in the House of Lords, and gave to the Conservatives power.

> "Aliens in blood, language, and religion. Yet on these—"

Here again the speaker came back to the Queen—

> "Yet on these men are bestowed the countenance and support of the Queen of Protestant England. But alas! her Majesty is Queen only of a faction, and is as much a partisan as the Lord Chancellor himself."

The "partisan!" there was of course the Ministry.

> "But shall we quail at this impending danger, and meanly submit without a struggle? No; we will present the same bold front as did our fathers of old, and God defend the right."

This was magnanimous, but nothing to what followed:

> "We will resist to the death ill-government and unjustly usurped authority. Petitions to the Crown are an idle mockery. We will no longer submit to be governed by a profligate court. It is in your hands, my friends—it is in the hands of the people of England that her destinies are placed for good or for evil."

Some comment had been made in the course of the debate upon a reply which he (Mr. O'Connell) had made to that speech. He did not deny the statements attributed to him. He did say that against such a traitor—against the Tory dominion of such traitors, he was able and willing to bring into the field 500,000 fighting men. He admitted that he said so, and he repeated it now. He had a kind of title to take such a course: for one of his ancestors, at the head of a regiment, fought and bled for the unfortunate James Stuart. He, therefore, had a sort of hereditary right to adopt this course. The hon. Member for Maidstone the other evening entertained the House with some curious infelicities of literature. He spoke of the ruin of Charles I., and accused the House of Commons of that day of having fanatically brought the Quaker James Naylor, before it, adding, that the House had the barbarity to cut out his tongue. Now it was hardly fair to accuse Charles I. of having any share in that act of brutality, because, in point of fact, it was committed five years after that monarch had been in his grave. The House of Commons who mutilated Naylor was not elected under the King's writ, but was summoned in soldier-fashion by Cromwell. He was not defending the House of Commons which committed so barbarous an act; he was merely reminding the hon. Member for Maidstone how it was that the fanaticism of which he spoke was brought about. It was brought about by the M'Neils and M'Ghees of that day. Ministers of the gospel were sent forth to preach of the Sovereign as a Jezebel. Thus it was that the fanaticism of that day took its rise, and he (Mr. O'Connell) would warn the hon. Member for Maidstone, and the Gentlemen who thought with him, that the fanaticism, which at that period was guilty of such barbarous crimes, might, by the employment of similar means, be raised again in England. Had he not seen within these few days placarded on large carts ostentatiously driven through the streets of the town "The horrors of Popery?" Were not meetings constantly held during the vacation? He could remind the House of dozens of them. Had not fanaticism been preached up in almost every corner of the kingdom. Did they want to have another Bradshaw to preside at the trial of a Queen. There was something ominous in that name. He called upon the House not to countenance by its vote anything which could lead to such abominations. But had this fanaticism no partizans, no organ by which it could appeal to the public; had it no newspaper press, no protector? Why, he found that it was embodied in a volume, and dedicated to Lord Lyndhurst. The book was called "The Metropolitan Conservative Press;" and he found on reading the pompous list of subscribers that the names of the commoners began with that of Sir Robert Peel. Then came the right hon. F. Shaw, M. P., recorder of Dublin, and shortly afterwards James Bradshaw, Esq., M. P. Then turning back the page, he saw that the motto was "Fear God—honour the Queen." He was aware that he had trespassed at some length, perhaps at too great length, upon the patience of the House; but he was anxious if possible to confirm by his testimony the fact that tranquillity which all admitted now prevailed in Ireland. He defied those who followed him in this debate, and he knew that he should be ably followed, for some of the ablest men in the nationhad not yet spoken; but he defied those who should follow him to show that there was now anything of disturbance in Ireland. He was counsel for Ireland, and he appeared there to plead her cause. England was discontented and disaffected—Ireland was tranquil. England was distracted by lawless bands of physical-force Chartists—Ireland did not seek to attain her ends by violence, by resistance to the law, by destruction of property. In England, rebel bands were led against the armed soldiery; but those soldiers knew their duty, and performed it. What were they? Irishmen. In England the lives of the gentry were threatened. A spirit of assassination had sprung up. The hon. Member for Nottingham had described how the amiable fathers of families—respectable, unoffending men—had been marked out for assassination. Had the Irish in England joined the Chartists? Had they evinced a desire to link themselves with these assassins? With a few wretched exceptions, there were none. Had the Irish in England taken any part with the Chartists? They had grievances—they had sufferings—they had many causes of complaint. Did they join the Chartists? No. Even the tradesmen of Dublin, whose combinations he opposed at the peril of his life, even they rejected Chartism. Ireland had become tranquil—no more calumnies would be uttered against her upon that score. Her military force was diminished; and why? Because the troops which were necessary to struggle against rebellion, sedition, and treason in England, were not required to maintain the good order which prevailed in Ireland. Another speech of his had been referred to, or at least a part of it had been referred to, by the hon. and learned Member for Coleraine, who had made extracts, and commented upon them, with about the same sort of candour as the hon. and learned Sergeant (Sergeant Jackson) had shown in dealing with another speech. The hon. and learned Member for Coleraine read that part of a speech of his (Mr. O'Connell's), in which he spoke of the downfall of the funds and so on. He asked, in that speech, what the three per cents. would be worth if Ireland were in rebellion, and the men of Kerry led on by himself, even though that news should be accompanied with intelligence that the chief agitator was put down, and the rebellion put down. How did he say that? What he said then he would repeat now. He was addressing himself to the Conservative party in England, and the purport of his address was this:—

> "You, the Gentlemen of England, who have property acquired either by yourselves or your ancestors—who have all the blessings of this world surrounding you; oh! send us not over a ministry that cannot govern us well—drive not the people to despair; let not an almost eternal civil war prevail—oh, if you have mercy, stand between Ireland and an Orange ministry."

He would now make that appeal again. He might make the appeal in vain. He knew that the party he dreaded—the party whose dominion in Ireland had been so fatal to all the best interests of that country—were summoned, on the present occasion, from every quarter of the kingdom, to see if it were possible, by a vote of that House, to regain something of their former ascendancy. He trusted he should never live to see that day. One of the most respectable amongst them had been chosen to be the leader of the attack. "Up, guards, and at them!" was their cry. Oh! he had seen these noble guards many a time; but he well remembered, that the meteor flag of England, borne by their intrepid hands, had never waved in triumph in the foughten field, where the commingling blood of the heroes who achieved the victory, had not flowed in equal streams from the veins of the gallant Irish. He was a repealer only when he could not get justice. He asked only for equality. If there was a union—a real union—he was entitled to ask for equality. If he had not equality, he cared not for the union. He wished not for repeal if he could get justice without it; but if he could not get it, then he knew of nothing that could prevent his applying for repeal. He had a right to do so; and if the necessity arose, he would exert it. Never before had the House heard of the tranquillity of Ireland. But there was another feature in her case—a feature which had been slightly touched upon by the noble Lord, the Secretary for Ireland. He had received a newspaper that day, which stated that more than 600,000 persons had given the pledge of temperance to Father Matthew. What was the result? A striking diminution in the amount of outrage and crime. At Waterford, where the monthly return for outrages, for years past, had amounted to no less than 150, there was, during the last month, not one single case. They might think that this tranquillity was temporary. Oh! they did not know the tenacity of the Irish people. They had shown it in matters of war and contest, and they were capable of showing it in matters of the sublimest morality. It was that people who were now before the House of Commons, and who had been assailed only with the ribaldry of such as the learned would-be sergeant, the Member for Coleraine. That people had come scathless from every one else. It was that people who now made their demand upon them. In the name of that people (said Mr. O'Connell in conclusion) I present this Ministry to you, the first Ministry that ever did justice to Ireland. I present them to you in the attitude of our friends—ay, and of your friends also; for they enabled us to afford security to you; and, though they were not permitted by you to grant us the parliamentary franchise in so complete a form as they desired, yet they did all they could to administer impartially the law which they could not amend as they wished. In the name of the Irish nation I present them to you. Will you vote against them with the Hewsons, the M'Neils, the M'Ghees, and the Bradshaws? or will you vote for them, as I demand of you, in the sight of heaven, and in the name of God.

Sir *R. Peel* rose, but gave way to

Mr. *Bradshaw*, who was understood to say, that with respect to any expressions which might have been used by him in any address he had made at any public meeting, connected with the name of the Sovereign, he could assure the House that nothing was further from his intention than to make any personal allusion to her Majesty. But he begged to say that, from the manner in which the royal name had been mixed up by the Government on bringing forward their measures upon every public occasion, it was almost impossible for any one who had to speak on political subjects to do so without mentioning the name of the Sovereign. After what took place in May it was well known that the watch word of the Government was, "The Queen and Reform!" and at every public meeting of the friends of the ministers it was stated, "We must support the Queen." This he thought was a most unconstitutional course. He was certainly much to blame for bringing forward her Majesty's name—on the occasion alluded to, and no man could more regret it than he did. He hoped, and he believed, that there were many Gentlemen on the opposite (the ministerial) side of the House who would give him full credit for what he now stated, that, for anything he might have asserted in a moment of excitement disrespectful to her Majesty, he felt the deepest regret. He could not, however, submit to have his loyalty questioned. He had been attacked by hon. Gentlemen opposite in the most violent and unjustifiable manner. If he had been the vilest incendiary, or had been a rank Republican for thirty years of his life, he could not have been attacked in a more ungracious manner. No man was more anxious to support the honour and dignity of the Crown than himself; and no man felt a more loyal attachment to his Sovereign than he did. He regretted most sincerely the interpretation that had been put upon his expressions. He allowed that the few words that had been used by him admitted of that interpretation. He was fully aware of it, and could only say that he deeply regretted it.

Sir *R. Peel* :* I am very confident that there is no Gentleman present, however weary he may be of this protracted discussion, that will not admit, that, considering the nature of the motion, and considering the position in which I stand, I have no alternative but to solicit the indulgence of the House. I am confident, moreover, that if I must vindicate myself from some accusations, and must detail my opinions upon many important matters, considering the prominent part which I personally have been made to occupy throughout this debate, that I shall not be charged with any silly vanity, or presumptuous egotism. Two demands have been made by the opposite side in the course of this discussion, the one, that he who is about to give his vote of want of confidence in the Government, should specify the grounds upon which that vote is given, the other, that those who from their position may be regarded as the probable successors of the Government which it is sought to displace, should state upon what principles of public policy they propose to conduct the affairs of this country. The absolute justice of the first of these demands I willingly admit. The other demand, namely, that I should explain in detail my views of public policy, is, perhaps, not equally imperative in point of strict obligation, but it is a demand to which, from considerations of prudence, I shall most willingly accede. I will answer every question that has been put to me upon that point. There shall be no limit to the fulness and unreservedness of the answers which I will give, excepting your impatience. I know too well the little value that can be placed on that support which arises from misconception of one's real opinions—I have seen too much of magnificent professions out of office, and of meagre performances in—I have had too much experience of solemn engagements, entered into for the purpose of overturning a Government, violated when that object had been obtained—I have so little desire to procure a hollow confidence either on false pretences, or by a delusive silence, that I rejoice in the opportunity of frankly declaring my opinions and intentions on every point on which you challenge unreserved explanation. I proceed, however, in the first instance, to a compliance with that demand which calls upon me to specify the grounds on which I intend, with perfect cordiality, to join in the motion of my hon. Friend, and record my denial of confidence in the present Government. I withhold my confidence from you on every ground on which confidence can be withholden—I withhold my confidence from you on the results of your public policy—on your own confessions of incompetence—on the testimony of your most valued friends—I withhold my confidence from you on account of the constitution of your Government, on account of your measures, and, above all, on account of the principles which you are now forced to avow, in order that you may retain your majority, and therefore your offices. I said, that I withheld my confidence from you on a consideration of the results of your public pulicy. I will compare those results not with any remote period, not with the results of Conservative policy; I will compare them with those results of which you must be proud, if you have any recollection of events in which you took a share, and have any respect for the character of those by whose counsels you were then content to be led. In the year 1834, the Minister under whose guidance you carried the Reform Bill retired from office. I will read to you the account which Lord Grey gave on his retirement, of the condition in which he left the country, and I will compare that condition so testified by the authority of Lord Grey, with the condition of the country on this day, on which you are urging your claim to public confidence. On the 9th of July, 1834, Lord Grey observed (and mark the contrast in every particular) :—

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* From a corrected report.

> "With respect to the internal state of the country, we leave it in improved circumstances—trade in a sound and healthy condition—the manufacturers generally employed public credit improved, and all interests in a better condition, with one single exception—agriculture; and even the depression of that interest less affecting the tenantry than the landlord, through the reduction of rents. Political and trades' unions have disappeared. We have exerted the ordinary powers of the law for their suppression, and by administering it with a firm hand, the result has been complete success."

That was the testimony borne by Lord Grey to the public acts of that administration, of which Lord Grey, of which my noble Friend, the Member for North Lancashire, of which my right hon. Friend, then Member for Cumberland, formed a part, and from which they were compelled, by a sense of public duty, to withdraw. You have had an unlimited control, with the exception of about four months, over the affairs of this country since, and I call upon you now to render an account of your stewardship, and to tell me by whose fault it is that this country now presents such a contrast with its condition in 1834. You boast that since 1834 you have effected many great public measures, that reform has been progressive, that no obstruction has been sufficient to control the steady march of your advance in the career of improvement. How comes it, then, that in 1840, trade should be in an unsound and unhealthy condition?—that public credit should be injured?—that for months your public securities should have been at a discount? Agriculture, indeed, has improved since 1834. Do you take credit for the improvement? Is it owing to your fostering hand—to your manly and decided tone on the Corn-laws? How happens it, if Lord Grey had succeeded in dissolving political and trades' unions, —if by a firm administration of the law he had suppressed the spirit of disorder—if his efforts had been attended with complete success—if you, too, be justified in your boast that you have advanced in a course of useful reform to an extent which no former Government ever went or could have anticipated—answer me this question—To what is it owing that this country is now convulsed with political disorder, that a spirit of insubordination is spreading far and wide, nay, that rebellion and insurrection are rearing their heads? If the test of good government is the concord and satisfaction of the people governed, can you abide a trial by that test? The noble Lord (the Member for Northumberland) has said, that he had observed from month to month that the supporters of the Government were gradually falling off. Have not these defections been concurrent with changes in the Ministry? with the gradual retirement or expulsion of every Minister (with one splendid exception, I admit, Lord John Russell)—of every Minister conspicuous for talent, for resistance to restless innovation, for a desire to protect and preserve institutions in Church and State? Let us review the changes in the personal composition of the Government since the retirement of Lord Grey. Since the spring of 1834, Lord Grey, Lord Stanley, Sir James Graham, the Duke of Richmond, Lord Ripon, Lord Brougham, Mr. Charles Grant, Mr. Spring Rice, lastly, the noble Lord himself (Lord Howick) have separated themselves from you. Step by step these men have been gradually expelled; and for what reason? Because it was necessary to make a sacrifice of them, in order to conciliate parties holding opinions which they could not sanction. I said I was justified in withholding my confidence from you on the testimony of friends most partial to you, and best qualified to judge of your claims to confidence. Why has the noble Lord (Lord Howick) abandoned you? Because he distrusts the principles on which you profess to act, and foresees the consequences of the concessions you have made, and will continue to make, to the demands of radical supporters. And (turning to Lord Howick), do you read *us* a lecture about withdrawing confidence? What justifies you in your abondonment of your colleagues but your utter want of confidence in them? You left the Government upon public principle. It was no paltry squabble about office; no pique that you or your relatives were not promoted that induced your retirement. The time was one of extreme difficulty; your colleagues stood in need of every support; and bear in mind the peculiar circumstances under which you had very recently resumed office. You resumed office from an imperative sense of duty, according to your impressions of duty, to protect your Sovereign. In this debate you have said, that an unjust and ungenerous attempt was made to control the Queen in respect to a part of her household. My views are totally different from yours. I think a condition was required from me which it would have been humiliating and unconstitutional to assent to. But, assume that you were right and that I was wrong. What overpowering motives for distrusting a Government must you have had, that could impel you, amid all the pressing embarrassments of public affairs, when the Ministers, the men whom you profess to esteem and love, were tottering from their weakness—when the Queen required protection from "unjust and ungenerous demands"—that could impel you to separate from your colleagues, and to abandon your Sovereign? Changes in the Government, altering its character, were the ground of your withdrawal from office. The chief addition to the Cabinet at the time of your retirement was the appointment of Mr. Labouchere to be President of the Board of Trade. I was not aware that he held extreme opinions, calculated to increase the discontent and alarm of moderate men. Have the subsequent additions to the Government tended to increase your confidence? Has the appointment of your successor abated your distrust? What think you of the lecture on the sacred duty of agitation which has been delivered by that successor (Mr. Macaulay)? No! no! if you have been justified in abandoning your post, in withdrawing your co-operation from colleagues whom you know and esteem, you cannot quarrel with our much fainter demonstration of distrust. I have thus given you the testimony of a partial friend to your demerits,—I proceed to redeem my pledge of convicting you on your own confessions. Upon what ground did you retire from office after having carried your bill for the government of Jamaica? You had a majority of five only on that bill, and you determined to resign office. I presume it was not the increasing difficulties of the country that induced you to retire from the post of danger, that it was the *bonâ fide* belief, after the decision upon the Jamaica bill, that you did not possess a sufficient degree of public confidence to enable you to administer the affairs of this country. In the debate of the 7th of May, when you declared the grounds of your withdrawal from office, the noble Lord the Member for Stroud, and the leader of the House of Commons, gave the following explanation:—

"It seems to me that there is no option but to give up the bill which we thought it our duty to bring forward. It is then a question whether, having brought forward a bill of that importance, we shall leave the state of affairs in Jamaica, in the West Indian colonies, and in our colonies generally, in that state in which the Ministers of the Crown ought not to be content to leave them. It is obvious that in Jamaica the authority of the Crown will be greatly weakened by a vote of the House of Commons, giving, in effect and in impression, support to the contumacy, as I must call it, of the House of Assembly against the proposition of the Ministers of the Crown."

The Canada Bill was pending:—

"We cannot," said the noble Lord, "calculate on that support which is necessary for the settlement of the affairs of Canada. Therefore, in continuing in the administration of affairs, not having, as we think we have not, a sufficient degree of confidence and support to carry on those affairs efficiently in this House, we should be exposing to jeopardy the colonial empire of this country, many of our colonies being, I will not say in a state of hazard, but in a state of uncertainty, concerning which questions of considerable importance are pending. After the vote of last night, I do not think we are entitled to say, that upon the great and important affairs of the colonies, upon which Government is obliged to come to a decision, we have such support and such confidence in this House as will enable us sufficiently to carry on the public business."

It was not, then, a mere personal dissatisfaction with the vote; it was not wounded feelings of honour that induced you to resign; your reason for resigning was that you were so deprived of confidence and support, that you were placing in jeopardy the best interests of the colonies by continuing in office. What security can you give to those colonies that you are better enabled to administer their affairs now than then? What said Lord Melbourne in the House of Lords? After mentioning a conversation between Bishop Burnet and King William, in which the Bishop, after discussing the different forms of government, inquired which his Majesty preferred? was answered by the King,

> "I know not which may be the best, but the worst I consider to be a monarchy which does not possess the full power and prerogatives of a monarchy."

Lord Melbourne went on to say, in allusion to this conversation,

> "I am sure I do not know what is the best Ministry, but this I do know, that unquestionably the worst Ministry is that which does not possess sufficient of the confidence of Parliament and the country to carry those measures which it may think necessary for the public service."

Lord Melbourne did not then draw the distinction which has since been drawn between the responsibility of an Administration for executive Government and for legislative measures. Lord Melbourne said, that that was the worst Government which had not sufficient confidence on the part of Parliament and the country to carry such measures through Parliament as it thought necessary. The right hon. Gentleman (Mr. Macaulay) differs from Lord Melbourne in that respect; he draws a distinction between executive and legislative functions, and offers it in vindication of the Government for continuing in office without public confidence. Can you maintain the doctrine that a Government is merely responsible for the execution of departmental business? If that doctrine be correct, there may be complete abdication of every legislative function. How is it possible, in a country with a popular form of government—in a country whose affairs have been administered (as in this country they have) mainly through the intervention of the House of Commons—how is it possible for the Government to maintain public respect if it limit itself to the mere discharge of departmental duties? If you exclude legislation from your duties, how would you deal with the case of Jamaica? You felt it absolutely necessary, according to your conception of duty, to annihilate the Assembly of Jamaica, and substitute a despotic for a free Government. You clearly thought good executive Government in Jamaica impossible without legislative interference. The case of Jamaica is the case of every colony, of almost every function of Government. There is scarcely any one of the most important duties of Government which is limited to mere administration of departments, and which does not involve duties of legislation as well as of execution. But there is a new resource for an incompetent administration, there is the ingenious device of "open questions," the cunning scheme of adding to the strength of a weak government by proclaiming its disunion. It will be a fatal policy indeed if that which has hitherto been an exception—and always an unfortunate exception in recent times is hereafter to constitute the rule of government. If every Government may say, "We feel pressed by those behind us, we find ourselves unable, by steadily maintaining our own opinions, to command the majority and retain the confidence of our followers; our remedy is an easy one; let us make each question an open question, and thereby destroy every obstacle to every possible combination." What will be the consequence? The exclusion of honourable and able men from the conduct of affairs, and the unprincipled coalition of the refuse of every party. The right hon. Gentleman has said that there have been instances of "open questions" in the recent history of this country. There have been; but there has scarcely been one which has not been pregnant with evil, and which has not been branded by an impartial posterity with censure and disgrace. He said that in 1782, Mr. Fox made parliamentary reform an open question; that Mr. Pitt did so on the slave trade; and that the Catholic question was an open one. Why, if ever lessons were written for your instruction to guard you against the recurrence to open questions, you will find them in these melancholy examples. The first instance was the coalition of Mr. Fox with Lord North, which could not have taken place without open questions. Does not the right hon. Gentleman know that that very fact, the union in office of men who had differed and continued to differ on great constitutional and vital questions, produced such a degree of discontent and disgust as to lead to the disgraceful expulsion of that Government? The second instance was that of the slave trade; but has not that act of Mr. Pitt, the permitting of the slave trade to be an open question, been more condemned than any other act of his public life? I will read what the most recent historian says upon the subject of that very coalition, and of Mr. Pitt's conduct on leaving the slave trade an open question. Of Mr. Fox and the coalition it is said,

> "On such grounds Mr. Fox and Lord North succeeded in overturning the Ministry, and took their places, which they held for a few months, when the King dismissed them, amidst the all but universal joy of the country, men of all ranks and parties, and sects, joining in one feeling of disgust at the factious propensities in which the unnatural alliance was begotten—and apprehending from it, as Mr. Wilberforce remarked, 'a progeny stamped with the features of both parents—the violence of the one party and the corruption of the other.'"

What is there to prevent me, if such a doctrine were tolerated, from coalescing with the hon. Member for Westminster (Mr. Leader) and the hon. Member for Cornwall (Sir W. Molesworth) in opposition to her Majesty's Government, from subsequently dividing the spoils of office, discharging the mere executive duties of it, and evading the exhibition of disunion by alleging that Parliament was responsible for legislation, and that we had nothing to propose which there was a chance of carrying? What says the same historian of Mr. Pitt in reference to the slave trade?

> "These are heavy charges; but we fear the worst remains to be urged against the conduct of this eminent person. No man felt more strongly on the subject of the African slave trade than he. His speeches against it were the finest of his noble orations. Yet did he continue for eighteen years of his life suffering any one of his colleagues, nay of his underlings of office, to vote against the question of abolition if they thought fit. His conduct on the slave trade leaves a dark shade resting upon his reputation—a shade which few would take to be on the first of orators and greatest of ministers."

The next instance cited by the right hon. Gentleman, was that of the Catholic question. I have had some experience of the evils which arose from making Catholic Emancipation an open question. All parties in this House were equally responsible for them. Fox made it an open question—Pitt made it an open question—Lord Liverpool made it an open question—Canning made it an open question. Each had to plead an urgent necessity for tolerating disunion in the cabinet on this great question; but there cannot be a doubt that the practical result of that disunion was to introduce discord among public men, and to paralyze the vigour of Executive Government. Every act of administration was tainted by disunion in the cabinet. Each party was jealous of the predominance of the other. Each party must be represented in the Government of that very country which required above all things an united and resolute Government. There must be a lord-lieutenant of one class of opinions, a secretary of the opposite, beginning their administration in harmony, but in spite of themselves becoming each the nucleus of a party, gradually converting reciprocal confidence into jealousy and distrust. It was my conviction of the evils of such a state of things, the long experience of distracted councils, of the curse of an open question as it affected the practical Government of Ireland, it was this conviction, and not the fear of physical force, that convinced me that the policy must be abandoned. I do not believe that the making of the Catholic question an open question facilitated the ultimate settlement of it. If the decided friends of Emancipation had refused to unite in Government with its opponents, the question would have been settled at an earlier period, and (as it ought to have been) under their auspices. So much for the encouraging examples of the right hon. Gentleman. They were fatal exceptions from the general policy of Government. If, as I before observed, such exceptions are to constitute the future rule of Government, there is an end to public confidence in the honour and integrity of great political parties, a severance of all ties which constitute party connections, a premium upon the shabby and shuffling conduct of unprincipled politicians. I give the right hon. Gentleman (Mr. Macaulay) full credit for the purity of his own intentions, but without this new doctrine of "open questions" how could you, with your opinions on the corn-laws, on free trade, on the abolition of all protective and restrictive duties, how could you justify your union with the Prime Minister, who does not content himself with mere dissent from your opinions, but who has publicly declared that the measures for which you contend are among "the wildest and maddest schemes that ever entered into the imagination of man?" Again, how can you, who think the suffrage ought to be extended—who think there is no security for the honesty of the elector except in secret voting—who think the duration of parliaments ought to be reduced—who think the Septennial Act ought to be repealed—how can you, with the faintest hope of effectually serving your country, co-operate with the noble Lord, who tells his constituents and the world that he considers these very measures, which you deem imperatively necessary, to be tantamount to the commencement of a revolution? The noble Lord tells his constituents, after declaring himself in favour of some amendments to the Reform Act, such as a new Registration Bill, and some measure with respect to the payment of rates, "that minor changes such as these, introduced when the public mind is prepared for them, and they have been duly weighed, differ very much from the proposal to found a new Reform Bill on the basis of triennial parliaments, vote by ballot, and universal suffrage." [Mr. *Macaulay*. —I am not for triennial parliaments.] No; but you are for quadrennial: so there is but a year between your measure and that denounced by the noble Lord. Thus then the question will stand between two members of the cabinet:—One says, triennial Parliaments would be pernicious; the other says, quadrennial Parliaments are necessary for the satisfaction of the country. One says, household suffrage will not only be dangerous and convulsing to the public mind—[Lord John Russell, we believe, made some gesture of dissent.] —Have you heard this night the speech of the hon. Member for Dublin, Mr. O'Connell? Did you hear the appeal he made to me? Did you hear him say, that any party which refused to admit to the franchise the great body of the working classes,—the real elements of strength in the country—were unworthy the confidence of the country? Does the right hon. Gentleman believe, when he shall have drawn his new line,—merely admitting to the franchise the 10*l*. householders now resident out of the boroughs—that he will stop agitation? The noble Lord would soon convince him that such limited extension of the suffrage would have the double evil of increasing discontent, and compelling further and indefinite changes. But the ballot! the most important of unsettled constitutional questions! how can the right hon. Gentleman, who considers secret voting indispensable to the honest discharge of the duty of an elector, how can he act cordially in public life with the noble Lord, who considers the ballot pregnant with evil in itself, and entailing what would be tantamount to revolution — namely, household suffrage? How do you meet in the Cabinet to discuss the state of the country totally differing on a great question like this, involving others of still greater magnitude? The right hon. Gentleman proclaims the sacred duty of agitation. He says, that no great measure can be carried without agitation. Are these mere clap-traps to deceive the Radicals behind him? If your doctrine be good, do you intend to agitate as a Member of the Government? You profess to believe in the efficacy and necessity of the ballot, and you say no great question can be carried without agitation. Does your position as a Cabinet Minister exempt you from the duty of agitating in favour of the ballot? If you agitate in its favour, the noble Lord must agitate against it. Here is the first result of your open questions. How edifying will it be to see the noble Lord and the right hon. Gentleman, after a conference in Cabinet on the convulsed state of the country, or other *arcana imperii*, part company at the end of Downing-street, each to carry on his separate system of agitation! Great indeed will be the vigour of your Administration, and cordial the concert of your Cabinet. But suppose you abstain from agitation; suppose, in order to prevent collision in the Cabinet, you never discuss either Corn-laws or ballot, or any other of the open questions, what answer will you make to your constituents at Edinburgh? Out of office you declared yourself in favour of these measures,—in office, you repeated the assurance that you were faithful to your principles. From the proud Keep of Windsor you proclaimed your fidelity to them, not from the gratification of any vulgar personal vanity, but from the firm resolution that truth should be spoken in high places, and that from the palace of kings the comfortable tidings of Radical Reform should be conveyed by a voice of authority. Will it suffice to answer, when your constituents require the fulfilment of your promises, "I gave you no pledges; declarations in abundance I admit, but pledges! I utterly disclaim them." They will remind you, that they hailed your return from foreign lands to the shores of England,—that they found you panting for distinction, and lifted you through their favour into the councils of the empire. If their native tongue will not suffice for this classic constituency, you have taught them, by reminding me of former reproaches, where they may find, in the passionate exclamations of Dido, the fit expression of their sorrows:—

> Nusquam tuta fides!

Nay, they may proceed with the quotation,

> Nusquam tuta fides! ejectum littore, egentem
> Excepi, et regni demens in parte locavi.

"Shall there be no fruit," they will exclaim, "of our mutual love, no little Bill stamped with the image of the father, and reflecting in its face the features of paternal vigour and intelligence?"

> Saltem si qua mihi de te suscepta fuisset
> Anti fugam soboles, si quis mihi parvulus Œula
> Luderet Æneas, qui te tantum ore referret
> Non adeo omnino capta ac deserta viderer.

You remain deaf to their entreaties; with all your protestations of fidelity, you have nothing to return but the miserable answer of Æneas, after all his coquetting in the cavern, Non hæc in fœdera veni—I gave you no pledges. The noble Lord tells his constituents at Stroud, that the measures to be dreaded, as ending in revolution, are the ballot and its consequence, indefinitely extended suffrage; and he exhorts the inhabitants of Stroud to act on the principles of true Whiggism, and above all, "not to raise the anchors of the monarchy while a storm is blackening in the horizon." And what does the noble Lord do as the fury of the storm increases? He enlists an able-bodied seaman who thinks there is no safety from the storm but in heaving the anchors, and is whistling away with half the crew at work at the capstan. And what is the consequence? The vessel is lost while the officers are squabbling and fighting about the management of it. One insists on remaining at anchor and riding out the storm; the other, on heaving the anchor and braving the open sea; neither has strength enough to prevail, and amid the distractions of the crew the gallant ship drags along with imperfect and loosened holding, till she drifts on the obscure and dirty mud bank of progressive reform. So much for "Open questions." I now come to consider the acts of the Government, and, in the first place, I will look at the state of the revenue. There has been of late a great excess of expenditure over revenue. Every quarter produced a greater increase in the expenditure, and a corresponding deficit. On the 5th of January, 1839, the actual expenditure exceeded the actual revenue by the sum of 345,000*l.*, on the 5th of April by 430,000*l.*, on the 5th of July by 518,000*l.*, and on the 10th of October by 803,000*l.* On the balance of three years there is a deficiency of 3,500,000*l.*, comparing revenue with expenditure, and yet in such a state of the finances the Government, for the sake of a little momentary and only momentary, popularity, consented to sacrifice the revenue of the Post-office. I have a right to speak with some authority on this subject. Suppose I had acted in regard to the malt-tax as Ministers have done with respect to the Post-office. I was in far greater difficulties, as Minister, in 1835, than the present Government, and more pressing demands were made for the repeal of the malt-tax than for the repeal of the postage duty. Did I evade the difficulty of forming a united Government by making the malt-tax an open question? Did I not forego the aid and co-operation of my noble Friend the present Duke of Buckingham, because I was resolved that the malt-tax should not be an open question, but that the repeal of it should be opposed by the whole authority of Government? When my hon. Friends saw my determination to maintain the malt-tax or to relinquish office, they consented to support me, and the House, generally, gave me that support, which enabled me to oppose the repeal of the malt-tax by an immense majority—350 to 192. Had this Government acted on the same principle, had they told the House that the reduction of the postage duty was a step which could not be taken without extreme danger to the revenue, had they refused to be parties to the reduction, they would have received similar support. They are, therefore, responsible for the results of the measure which they have so rashly and so needlessly adopted against their own opinions. While the revenue is thus diminished how stand the establishments? What progress has been made in redeeming the magnificent pledges of retrenchment and economy—the flattering promises, that a reformed Parliament would secure respect for the Government and peace both at home and abroad, with greatly reduced establishments! What are the facts? In 1835, the expenditure of the Army, Navy, and Ordnance establishments was 11,400,000*l.*; in 1836, it was 11,800,000*l.*; in 1837, it was 12,194,000*l.*;i n 1838, it was 12,681,000*l.*; in 1839, it was 13,565,000*l.* In the spring of 1835, the present Ministers took the administration of public affairs into their own hands—they promised emphatically to secure tranquillity and concord throughout the country by "progressive reform," and declared that the name of England would be so respected throughout Europe, that universal peace could be maintained with diminished establishments. They had, notwithstanding, progressively increased the military establishments of the country; not, as he believed unnecessarily: he threw no blame upon them for that increase, but let them no longer boast of the blessings of profound peace abroad, and tranquillity at home. There stood the fact, that they had increased the military establishments of this country from 1835, when they were 11,401,000*l.*, to the present period, when they were 13,565,000*l.*, and this during a time of peace. Do you look to the possibility of a war? What have you done to prepare for it? You blamed the Duke of Wellington and my right hon. Friend Mr. Goulburn for their financial extravagancies. What did we effect in the three years of our administration? We reduced the principalo f the public debt in the short period of the three years preceding the Reform Bill, by a capital of twenty millions; we diminished the annual public charge by one million and a half. This was done in the Unreformed Parliament; this was the work of that Government which you said had increased establishments for the sake of patronage and of corruption. What is the amount of public debt now, as compared with the public debt on 5th January, 1831? On the 5th January, 1831, the amount of funded and unfunded debt was 783,000,000*l.* Had it been reduced during these nine years of peace and reform? No! greatly increased. The true test, however, is not the amount of capital, but the amount of annual charge. Has that been diminished? No! increased to the extent of one million. The annual charge of the National Debt on the 5th January, 1831, was 28,349,000*l.* On the 5th January, 1840, it was 29,300,000*l.* So much for your financial administration, and your promises of retrenchment. Let us now consider the state of the country in respect to internal tranquillity and the contentment of the people. Account to us for the progress of Chartism and Socialism. Lord Grey, speaking in 1834, said that mischievous political combinations were suppressed. Why have they revived and spread to a formidable extent? Because you, the Ministers, have encouraged them by your example, by your acts, by your principles of Government. You are now encouraging them by your exhortations to agitation. When you make a Chartist delegate a magistrate, you offer a direct premium to Chartism. You invert the relation of Government to the people by acts like these. Instead of being a control over evil passions, and a check upon unruly acts, you make the Government and the magistracy the actual fomentors of disaffection and insubordination. It is no excuse that Radical corporations have recommended Chartists for the magistracy; it is no remedy that you afterwards dismiss them when they disgrace the magistracy by their violent language or conduct. The evil is done when the appointment is made. I do not ask you to suspend the *Habeas Corpus* Act, or to pass coercive laws of extreme rigour; I have every confidence in the power of the ordinary law, when enforced by a vigorous Government, commanding the sympathy and co-operation of a loyal people. But you paralyse that law, and alienate that sympathy, when, for the sake of courting popular favour, you lend your sanction to evil principles, by bestowing the favour and confidence of the Crown on those who profess them. You confound and unsettle the public mind when, as Cabinet Ministers, you exhort to agitation as a positive duty. What right have you to complain of Mr. Oastler? I do complain of him. I have never sanctioned his agitation—I deem it most pernicious. But you cannot so limit agitation that it shall just be subservient to your interests. You can't have agitation on one side merely. The men opposed to you will tell you that the importance which you attach to your purposes they attach to theirs. And the dangerous, and, I think, wicked agitation on the Poor Laws will be defended on the principles on which you rely. If there be danger in that agitation, why should there not be in yours? Mr. Oastler has excited, it is said, and inflamed the people against the poor-law. Suppose he thinks the poor-law a greater grievance than the want of the ballot. If agitation is allowable to you (Mr. Macauley), a Cabinet Minister, can you with any consistency denounce Mr. Oastler for the consequences of his agitation? Then, again, take the case of the Socialists. Have you given them no encouragement? Are you aware of the progress of this society? Are you aware of the opinions they profess? This debate commenced by the hon. Member for Dublin asking the Secretary for Ireland "whether Socialism had extended to Ireland?" And this with the view of showing that the good sense and loyalty of the people of Ireland, on the first ingress of Socialism, repudiated and rejected it. A cheer followed this question, and credit was given to the people of Ireland for the effectual discouragement of this system. Are you (the Ministers) entitled to the same compliment? Have you marked your reprobation of the doctrines avowed by the president of this society,—the shameful doctrines, that religion is a fraud, that the right of private property ought to be abolished, and that marriage is an unnatural institution? I don't want you to rush hastily to the prosecution of Mr. Owen; but I do require from you (and there is not one impartial man, of whatever sect or party, who will not join with me) I do require that the Prime Minister of England shall not present to a Maiden Queen the patron and chief promoter of such doctrines. So much for the president of the institution; now let me put a question to the Government with respect to the Vice-President. The Vice-President of this Institution was Mr. Pare, of Birmingham. In the course of the year 1839 Mr. Pare, being Vice-President of this society, the Congress of Socialists came to a resolution, "That it is expedient to address the General Convention of the labouring classes now sitting in Birmingham." This address appears to have been presented by Mr. Pare on the part of the deputation who proceeded with the address. He reports to the Congress

> "That they were received very courteously, but very cautiously; that Mr. Feargus O'Connor complimented the Congress on being composed of men of high intellect; and he thought the address one which should be answered; that Mr. O'Brien—(Mr. Bronterre O'Brien, I presume), moved 'that the address be received, and taken into consideration after the simultaneous meetings were over, which were previously agreed upon.'"

Here is proof of the connection between the congress of Socialism and the convention of Chartism. I have it also in my power to prove that the life and soul of this institution, next to Mr. Owen, was Mr. Pare. Now, will the House believe that this vice-president of the congress of Socialism, of that institution which holds that the right to property should be abolished, and that the marriage tie is an unnatural obligation—will the House believe that this vice-president occupies a place under her Majesty's Government? The president of the institution was presented to her Majesty. The vice-president holds an office under the Government, and what office do you suppose? The registrar of marriages in the town of Birmingham! Now, by whom was Mr. Pare appointed registrar of births and marriages? Birmingham, I believe, is not under the operation of the new Poor-law. If it had been, the guardians of the union would have had the appointment. But Birmingham not being so circumstanced, Mr. Pare must have received his appointment from the authority of her Majesty's Government. Is it conformable to the dictates of common sense or common decency, at a time when principles of Socialism are convulsing and disgusting the land, to select for the particular office of registrar of marriages, in such a town as Birmingham, the vice-president of a society which holds marriage to be an unnatural tie? The presentation of the president to her Majesty may have been—it surely must have been—a casual, an unfortunate oversight. Is the appointment of the vice-president an oversight also? If it be, I hold you only one degree less culpable, in the present state of the country, for not ascertaining the principles of the men whom you select for such appointments; and how can you hope to discourage Chartism and Socialism when you exercise your patronage and authority in favour of those who are their chief supporters? It does appear to me, that a more grievous and wanton insult could not be offered to the females of those religious sects for whose relief the Marriage Act was introduced, than the selecting for that particular office the vice-president of a society which holds the marriage ceremony to be an unnatural institution. The office of registrar was held in the same House in which the congress of Socialists met. It is true that Mr. Pare found it necessary to relinquish the office of vice-president of the Socialists; but on withdrawing from that office, he declared he would continue a member of the board, and would devote all his energies to the interests of the society. Is it fitting that such things should be done by the authority of the Government,—and can you be surprised at the progress of Socialism, when the chief patrons and propagators of it receive marked encouragement from Ministers acting in the Queen's name? Again, have you taken effectual precautions against the overt acts to which the principles of Socialism and Chartism might fairly be expected to lead? You had timely indications of the probable result; there were symptoms, which could not be mistaken, that there would be open resistance to the law. In what condition is the militia force of the country? In case of necessity, could it be embodied? Have any steps been taken so to amend the law that the militia force might be available within a short period of the demand for its services? How can you now vindicate your reductions of the yeomanry? You cannot allege unwillingness to employ them as an unsuitable force to maintain the public peace, for you have employed them on every occasion, and have acknowledged the zealous and effectual services they have rendered. You employed them on the occasion of the disturbances at Nottingham, at Bristol, at Birmingham, at Newport. You may allege that you are organising a rural police as a substitute; but surely, in the present condition of the country it was unwise to throw away, at least to impair an instrument of proved efficacy for maintaining public tranquillity before any sufficient substitute was provided. I will not enter into the great department of foreign policy, for I have yet to answer all the questions that have been put to me as to the principles on which, if in Government, I would undertake to act. But do not construe silence into approbation: I see ample ground both for anxiety and for condemnation in reference to our foreign policy. There is but one remark which I will make. I cannot observe without deep pain the indications of growing distrust and uneasiness in our relations with that powerful neighbour (France), with whom, for the interests of peace in Europe—for the interests of commerce—of civilization—of humanity, it is so important to maintain, not merely the relations of peace, but those of mutual confidence and good-will. Of course I speak only of such a maintenance of those relations as shall be perfectly compatible with a studied regard on our part for national honour and the rights of our own subjects; but I shall deeply regret if a cordial good understanding between two mighty countries, the relations of which must influence the destinies of the world for good or evil, cannot be maintained consistently with every regard on the part of each for national dignity and national rights. I shall here close my enumeration of the grounds on which I withhold my confidence from the Government, and shall now proceed to reply to the several questions which have been put to me respecting my opinions and intentions on various questions of public policy, the chief of which are the following:—The Privilege Question now pending, the Poor-laws, National Education, the Reform Act, the Corn-laws, the Roman Catholic Relief Act, and the Government of Ireland. It is said that I cannot venture to declare an opinion on these important matters, without at once exhibiting the divisions and dissensions which are alleged to prevail in the Conservative party. But I declare, once for all, that I prefer incurring that danger, to the purchasing of a precarious support by the concealment of my views and intentions. I ask no man to relinquish his own conscientious convictions, in order that he may adopt mine; but, on the other hand, I will not be the instrument for giving effect to opinions in which I do not concur, and no man shall have a right to upbraid me for having acquired his confidence by a pretended acquiescence in his views, or by a reserve liable to misconstruction. I am taunted with my inability to form an Administration concurring with me on the matter of Privilege, and able, through the support of its followers, to execute my intentions in that respect. This taunt surprises me. Suppose I could not rely for the support of my views in regard to Privilege on my general supporters, how would my situation be worse than your own? I was informed by the noble Lord (Lord J. Russell) that without my support he had not the hope of maintaining, through its own authority, the privileges of the House of Commons. I was thanked by him publicly for the efficiency of that support, but especially thanked by him for having refused to make this a party question, and for having left each Member to act on his own impressions and conviction. It is found convenient in this debate to take another course, to insist on the necessity of a Government united on the question of Privilege, and making it a party question, and to reproach me with the defection of my friends. On one account I rejoice in this rather inconsistent and ungrateful reproach. It is an evidence that the present Government is united on the Privilege question; that those Peers, including the Lord Chancellor, who are members of this Government, cordially concur with their colleagues in the House of Commons, and are prepared, if necessary, to maintain in the House of Lords the course which their colleagues have taken here. I see then, (if this be the case, as it must be, after the taunts I have referred to,) the prospect of a solution of our difficulties. Let the Lord Chancellor, after the requisite previous communication to this House, introduce into the House of Lords a declaratory bill ensuring both for the House of Lords and House of Commons the unquestioned exercise of essential privileges, and supplying the defect and imperfection of our powers to vindicate those privileges, especially during prorogation. The point, however, so far as this debate is concerned, is merely this, that if I should be unable to carry into effect my views as to privilege by the aid of my friends, and should be compelled to presume upon the honest support of my opponents, my position, as a Minister, would clearly be no worse than yours. I come to the new Poor-law. The leaders of the Conservative party have been accused of giving a lukewarm support to this great change in the Social system, and (though we ourselves abstained from exciting the public mind) of having made no manly declarations of opinion in support of the law, calculated to discourage and repress the agitation carried on by others. Nay, I have been distinctly accused of having maintained silence on the subject of the Poor-law, for the express purpose of gaining support at the late general election, on account of the unpopularity of the law, and the clamour directed against it. I have disdained to notice these and all similar accusations of the public press, false and malignant as they may be, in any other place than the House of Commons. I supported the Poor-law in Parliament when brought forward by a Government which I opposed, and, let me add, if we, the leaders of the Conservative party, had followed the examples which we might have found in the conduct of former oppositions; if we had availed ourselves of the unpopularity of the law, and of the facilities it afforded for exciting public discontent, the law could not have passed. I shall continue to support the law; and in saying this, am I making a tardy declaration in its favour? am I justly chargeable with having declined my share of the responsibility attaching to it, or with having sought to profit, for party purposes, by the tacit encouragement of a cry against it? My own election was among the earliest at the general elections of 1837. I had to address my constituents in the open air upon the hustings. Then was the time for reserve about the Poor-law, if I had wished to set the example of encouraging agitation for election purposes. Here is the speech which I delivered on that occasion. In the course of it I was interrupted by a cry,

"Did not you support the Poor-law?" (This was my answer.) "There is no question of public concern from which I wish to shrink; and I tell you frankly that I did support the Poor-law; and further than that, I admit that my opinion of its leading enactments and provisions is not changed. I did not support it for the purpose of making a reduction in the amount of the rates, which, in my opinion, is one of the smallest parts of the advantage derived from the measure; but because I saw the moral and social condition of the poor gradually lowered by the operation of the old Poor-law; and I wanted by an approved system to elevate their character and improve their comforts. I wanted to see them raised from the dependent situation of supporting themselves by alms derived from the workhouse to a respectable station, earning their livelihood by their own exertions. These are the grounds on which I supported the bill. I did it out of real friendship for the poor; being convinced that it would secure their permanent interest and improve their condition. If, however, any of its enactments are harsh, I would have them revised and altered. I will not try to throw odium on others by declaring myself hostile to what I have supported. I believe the ultimate operation of that bill will be to raise the character and elevate the position of the poor in the social scale. Objectionable enactments I shall be glad to reconsider, and make any regulation to secure the comfort and welfare of the poor."

I adhere to the opinions I then expressed, and I ask any honourable man of those most opposed to me, whether I could have taken more effectual means of discouraging agitation than by such an address to my constituents, on the eve of a general election, frankly declaring myself in favour of an unpopular law? I am reproached with being indifferent to national education. I am hostile to your system of national education, but a warm friend to extended national education on right principles. I have no new declarations to make on this head; I adhere to the opinions I expressed last year. I would give every aid which the state could give to the extension of education on the following conditions:—that the instruction to be provided for the children of the Established Church should be based, not merely on religion, but on the peculiar tenets and doctrines of the Church; that the Church should be invited, nay, if possible, compelled, to take its full share in the education of its own flock; that you should not act as if you were jealous of the Church in its own proper sphere of duty, as if you merely tolerated the Church as an inconvenient incumbrance established by law of which you could not get rid; as if you were ashamed of those doctrines and principles which are the distinguishing marks of the creed which we profess. I would give the Church ample means of extended education to all classes on such principles, but not the slightest power to interfere with the instruction of those who were unwilling to accept it, and I would not refuse to those who rejected it, and who dissented from the Church, the means of education based on the great truths of Christianity. I would, in short, act upon the general principles on which Parliament did act in the years 1836 and 1837. Some members have justified their support of the present Government, while they profess no great respect for it, on the ground that the Reform Act would be endangered if those who were notoriously hostile to the Act during its progress in Parliament were now in power, and there is a frequent attempt at ridicule of the "new-born zeal for reform," and the conversion of former enemies of the Reform Act into cordial friends determined to stand by every enactment of it. This is my case; and yet I see no ground for ridicule or reproach. What inconsistency is there, after a momentous change in the representative system has been effected, at the expense of great convulsion and disorder, in accepting that change as a final settlement, rather than seeking, directly or indirectly, to disturb it at the risk of renewed and more violent convulsion and disturbance, and with every prospect of ultimate defeat? I will maintain the Reform Act:—first, because I think it impossible to revive the system of representation which that Act extinguished; secondly, because the professed friends and chief authors of that Act are inclined to destroy the work of their own hands, and again to agitate for a new Reform Bill, based on more democratic principles. If I can resist them more effectually by maintaining, not every letter, not every palpable defect in the Reform Bill, but all its main provisions, than by disturbing the settlement which it made, where is the inconsistency in an opponent of the bill, during its progress, becoming a supporter after its enactment? In the progress of this moving panorama of questions, the view is at length presented of the Devonport election and the corn-laws. The Judge-Advocate came down to the House, with his pockets filled with scraps of newspapers, detailing the proceedings of the Devonport election, and the speeches of Mr. Dawson on the Corn-laws. The right hon. Gentleman inferred that I was a party to the declaration which Mr. Dawson had made on the subject of a modification of the existing Corn-laws, and that I had employed Mr. Dawson as a convenient instrument for publicly notifying some change of opinion on my own part. Now I assure the right hon. Gentleman, that when he changed his own opinion on the ballot; when he, who was previously adverse to the ballot, and still doubts its efficacy, found it convenient, at the time of an election at Devonport, to signify to his constituents that he would in future vote for the ballot, I never inferred that his relatives (Lord Grey, or Lord Howick) had changed their opinions on that subject, and had employed his conversion as the signal of their own. I gave him credit for being allowed to exercise his own discretion on a public question, and to act independently without being subject to the control of others. Such, however, is not the indulgent construction which the hon. Gentleman puts on the speeches of Mr. Dawson; and it becomes necessary for me, therefore, publicly to declare not only that Mr. Dawson's profession of opinion on the Corn-laws was wholly unauthorized by me, but that I never had the slightest communication with Mr. Dawson on the subject of the Corn-laws, either previously to the Devonport election or during its progress. Nay, more, I will also publicly declare, that on no occasion have I ever resorted to the paltry device of employing another person to speak my opinions, of putting forth a feeler, (as the phrase is) of making an experiment on the public mind, with the view of ascertaining the policy of maintaining or abandoning any given course. I should have credit for this, I hope, on my simple asseveration; but I will put it beyond all question as to the particular case which has been mentioned, assuring the right hon. Gentleman that his surmise that Mr. Dawson was employed by me, in 1828, to indicate a change of opinion on my part on the Catholic question, is as utterly unfounded as his impression that Mr. Dawson's late speeches at Devonport on the Corn-laws were made with my sanction or previous knowledge. When I saw, by mere accident, in some newspaper, that Mr. Dawson had expressed an opinion at Devonport in favour of an alteration of the existing Corn-laws, and that an inference was drawn from this circumstance that my opinion had undergone a change, I wrote to Mr. Dawson, expressing my regret that he had not unequivocally declared to the electors that he alone was responsible for the opinions he was expressing, and that they were delivered without the slightest previous communication with me. I have not a copy of my letter, but I hold in my hand his reply, which will demonstrate the truth of what I am asserting. It is dated Devonport, 18th of January:—

"I have received your letter, which I was unable to answer before, from incessant toil.

"It gives me great pain to think that you disapprove of anything I have done. I was surprised to see the manner in which the few words which I uttered upon the Corn-laws were taken up by the London press. If I had had any suspicion that my words would have been noticed at all, I should have made it distinctly understood that I was expressing my own, and my own sentiments only, but it never occurred to me that such an explanation was necessary. I said generally, that my opinion might put me in opposition to the Conservative party, without mentioning any names—a caution which appeared to me sufficient to prevent any misunderstanding—which words, I believe, passed unnoticed by the London press."

This, probably, will be conclusive as to my responsibility for Mr. Dawson's opinions on the Corn-laws. On that great question my opinions remain unchanged. I adhere to those which I expressed in the discussion of last year. I did not then profess, nor do I now profess, an unchangeable adherence to the details of the existing law—a positive refusal, under any circumstances, to alter any figure of the scale which regulates the duty on foreign corn. I did profess, and I now repeat, that I consider a liberal protection to domestic agriculture, indispensable, not merely to the prosperity of agriculture, but to the general interests of the community—that I think a graduated duty, varying inversely with the price of corn, far preferable to a fixed duty; that I object to a fixed duty, first, from the great difficulty of determining the proper amount of it on any satisfactory data; but, secondly and chiefly, because I foresee that it would be impossible to maintain that fixed duty under a very high price of corn, and that, once withdrawn, it would be extremely difficult to re-establish it. I have reserved for the last place the most important questions of all; namely, those that are involved in the consideration of the Roman Catholic Relief Bill, the policy of maintaining it, the spirit in which, if maintained, it ought to be executed, especially with reference to the administration of affairs in Ireland. The question has been repeatedly and reproachfully put to me out of this House—Do I contemplate the repeal of the Emancipation Act? Do I sanction the proceedings of those who are exciting public discontent with its enactments with a view to the re-imposition of disabilities? Sir, I should be ashamed of answering such questions, of thus implying any doubt as to the stability and permanency of the Roman Catholic Relief Bill. Is there any man living who has greater interest than I have in maintaining that Bill, or who ought to view with greater pain obstacles to its satisfactory and conciliatory operation? Can it be justly required from me to contradict every newspaper report, to disclaim the speech of some utter stranger to me or my opinions, who may choose to declare his belief, that I repent of the part I took in the passing of the Relief Bill? Repent, indeed! My repentance must either be from conviction that my motives were dishonest or corrupt, or that the course I took in 1829 was justified by no considerations of necessity or true policy. As to motives, I may say, without presumption, that I can claim credit for one virtuous act in public life. I can claim credit for having incurred, in the performance of a public duty from which I might have shrunk, not merely obloquy and vituperation, but the heavier sacrifices of the alienation of private friends, the severance of party connexions, the interruption of yet nearer and more binding ties. I say nothing of the loss of power. I look with scorn and contempt on the insinuations that, having opposed Catholic Emancipation while it was profitable to oppose it, I became a convert for the sake of retaining office. Who could doubt that the certain consequence of my proposing the Relief Bill must be that which actually followed—the loss of the support of those with whom I had heretofore acted, and the inability to conduct the Government? The right hon. Gentleman prophesies a speedy renewal of those feelings of dissatisfaction (disgust, indeed, was the word he used) with which the Tory party viewed the course which my noble Friend the Duke of Wellington and myself felt it our duty to pursue in regard to the Relief Bill. I do not deny the existence of those feelings at that time. They were prompted, I believe, and not unnaturally, less by the decision to which we came, than by the circumstances under which it was our painful duty to act—the apparent reserve which we maintained until the last moment—the apparent distrust of those with whom he had previously cordially co-operated in public life. The events of those days are now becoming matters of history; and I have been supported, through all the reproaches I have endured and the sacrifices I have made, by the conviction that justice must be ultimately done, and that the light of truth will at last dispel every mist, every shade on our character that imperfect knowledge and unjust suspicion may have thrown. Why did we conceal from our friends the course we had determined to pursue? Because we had not the power, consistently with our duty, with our solemn obligations to the Crown, to declare it. Immediately after the Session of 1828, my noble Friend and I came to the conclusion, that it was impossible for us, as Ministers, consistently with our views of the public interests, to continue our opposition to the settlement of the Catholic Question. We felt it absolutely necessary that an united Government should consider that question, either with a view to permanent resistance, or to early concession; and that we could not advise the attempt to form a Government on the principle of permanent resistance. We felt deeply impressed with the belief that, in the state of the public mind, and in the state of parties at the time, that attempt must fail, and that its failure would only serve to aggravate every evil. It is notorious that the Sovereign in whose service we were, whom we were bound to advise, not as party-men, but as responsible Ministers, had decided objections to the alteration of the then existing laws. Those objections were not abated or relaxed until a very short period before the meeting of Parliament in 1829. It was not until the month of January of that year that we received permission to consider the Catholic Question in Cabinet, and, if the Cabinet should be agreed, to tender our united advice as a Cabinet to his Majesty—his Majesty reserving to himself the entire power of acting upon or rejecting that advice. How was it possible for us, under such circumstances, to make any communication to our friends and supporters? My own impression in January was, that I should be permitted to relinquish office, being at the same time prepared, out of office, to make every sacrifice which the resolution zealously to co-operate with my noble Friend in bringing this question to a settlement, might have required. I remained in office, because my assistance in office was absolutely indispensable; but so uncertain was I, so uncertain was my noble Friend, of the tenure by which we held office, that on the very day before I brought forward the Catholic Question in the House of Commons, we actually resigned it. I moved the Relief Bill in the House of Commons on the 5th of March, 1829; but it is the fact, that on the preceding day the Duke of Wellington, Lord Lyndhurst, and myself, after a long interview with his Majesty, at Windsor Castle, felt it necessary, on account of his Majesty's scruples with respect to parts of the intended measure of relief which we deemed indispensable to tender our resignations of office. Those resignations were actually accepted, and we returned from Windsor on the evening of the 4th March, no longer Ministers of the Crown. In the course of the night we were reinstated in office, having received from his Majesty the full authority which we required to proceed with the Relief Bill. Such were the circumstances under which we felt ourselves precluded from entering into communications on the subject of that bill, and of the course we meant to pursue, with a great body of attached friends and supporters, whose confidence and esteem were of inestimable value. There are some, however, who do not question the motives of our conduct in undertaking the Relief Bill, but deny the necessity for the measure. We felt the necessity imperative, not from the dread of violence, not from submission to menace, but from the fact that, in four out of five Parliaments preceding 1829, the House of Commons had declared in favour of the measure, and that the influence of public opinion in this country, united with the undivided Roman Catholic feeling in Ireland, was too powerful to be resisted; or made it impossible at least to continue the system of open questions and divided cabinets. If it were no longer possible to maintain disabilities in 1829, surely to dream of imposing them now, is among the wildest visions that ever disturbed the imagination. Repeal the Emancipation Bill!—and what next? Will you leave to the Roman Catholics the privileges which they held before the Relief Bill, and independently of it? But those privileges (the elective franchise in particular), and the substantial power which they conferred, were the main instruments by which the Relief Bill was carried. If you are prepared to withhold those privileges (and withhold them you must), the measure you advise is not the mere repeal of the Emancipation Act, but the retracing all the steps of gradual concession for a century back, till you remount to the Penal Laws and absolute servitude. Can any man who reflects on the state of Ireland, and on its relation to this country, entertain for one moment so absurd a speculation? Then comes the question,—if the Relief Bill cannot be repealed, in what spirit shall it be executed? Shall it be nominally retained on the Statute Book, but be defeated, so far as civil office and distinctions are concerned, through the distrust of the Crown? I answer, decidedly not. And is this answer now extorted from me for the first time? Is it true that I have countenanced, by silence, an opposite opinion? What could be more explicit than the declaration which I made—not in paragraphs of newspapers, but in my place in Parliament, in the month of April of last year? I then observed,

> "As the law has decreed a civil equality to all classes in Ireland, without reference to religious distinctions, the Crown ought not, by the interposition of its prerogative, to create practically a difference which the law does not recognise. I think the Crown ought to act on the principle of the law, and not make the religious opinions entertained by any man the ground of disqualification for the exercise of civil functions."

I then claimed for myself what I now claim—the same right which you exercise, and which every Government ought to exercise—that of preferring its own friends and supporters to such appointments as imply mutual trust and confidence, and which could not be usefully filled for the public service, without a concurrence in political opinions. But I added,

> "I have never taunted the noble Lord with selecting Roman Catholics for such appointments. I defy him to produce the instance in which I have sought thus to limit him in the exercise of his patronage."

I adhere to these opinions; and having avowed them, not once, but repeatedly in Parliament, I consider myself relieved from the necessity of recording them, during the recess, in letters to newspapers, or speeches after dinner. I readily subscribe to the position, that the Crown ought to act on the great principle of the law; but, in fully recognising the principle of civil equality as the rule of action for the Crown, I beg distinctly to declare that I consider it an abuse and perversion of that rule to patronise agitators *because* they are Roman Catholics. I would place Roman Catholics, in this respect, on a footing of equality with Protestants; and, as I would withhold grace and favour from the Protestant agitator, so would I, without hesitation, withhold them from the Roman Catholic. There is but one qualification which I would place on the principle of civil equality, and that is a qualification distinctly recognised by the law, recognised by every advocate of the Roman Catholic claims; recognised and fully assented to by the Roman Catholics themselves. It is this, that, concurrently with the enjoyment of civil privilege by the Roman Catholics, the Protestant Church shall be inviolably maintained as the Established Church, and protected in the possession of its rights and privileges as such. The respected authority of Mr. Grattan was decisive and unvarying in favour of the maintenance of this principle; every bill which Mr. Grattan brought in for the relief of the Roman Catholics recited, almost ostentatiously, in its preamble, the absolute right of the Established Church to protection: his dying declarations were in favour of the combined principle of civil equality and the maintenance of the established religion in Ireland as well as in this country. I will conciliate no support by the concession or compromise of that principle. I am accused, however, of having acted, in respect to the administration of Ireland on a different system from that which I profess. I have had but a brief connexion with the Government of Ireland since the passing of the Relief Bill, but is it just to draw an unfavourable inference from the experience of that connexion? In 1835 I was called upon to constitute a Government for Ireland. Of whom was it composed? Of Lord Haddington, as Lord-lieutenant, an uniform and able supporter of the Roman Catholic claims, and the intimate friend of Mr. Canning; of Sir Henry Hardinge, as Chief Secretary, the friend and relation of the late Lord Londonderry. For the office of Lord Chancellor I selected the chief ornament of the bar of England, a man conspicuous for the mildness and moderation of his opinions, who, in the course of his short career in Ireland, conciliated the esteem and respect of the bar in that country, and the warm approbation of his political opponents. My Attorney-general had been the Attorney-general of Lord Melbourne; my Under Secretary of State had been his; my Solicitor-general was Mr. Pennefather,—and can any man hear the mention of that name without admitting its claim to honour and respect? What better indications could I give of the intention to govern Ireland with justice, with impartiality, and with kindness, than such appointments as those to the chief offices that constituted the Government? You complain of the injustice and absurdity of condemning the existing Government of Ireland for trivial acts, such, for instance, as the invitation of Mr. O'Connell to the table of the Lord-lieutenant. Did you extend that forbearance to Lord Haddington's Government? Is it not the fact, that the chief, almost the only accusation that you could find to prefer against him was, that some vagabond waved an orange flag in a Dublin theatre over the box of the Lord-lieutenant? Do I make light of the studied exhibition of a flag, if intended as an insult? No; but I complain of the grievous injustice of making Lord Haddington responsible for an act of which he was utterly unconscious, and which he was the first to reprobate. I have done. I have fulfilled the purpose for which I rose, by specifying the grounds on which I withhold my confidence from the present Government, and by declaring the course I mean to pursue on the great questions of public policy, on which the public mind is divided I cannot answer the question you put to me, " What principles will prevail if a new Government be formed?"—but I can answer for it, that if the principles I profess do not prevail, of that Government I shall form no part. It may be, that by the avowal of my opinions, I shall forfeit the confidence of some who, under mistaken impressions, may have been hitherto disposed to follow me. I shall deeply regret the withdrawal of that confidence; but I would infinitely prefer to incur the penalty of its withdrawal, than to retain it under false pretences, or under misapprehensions which silence on my part might confirm. It may be, that the principles I profess cannot be reduced to practice, and that a Government attempting the execution of them would not meet with adequate support from the House of Commons: still I shall not abandon them. I shall not seek to compensate the threatened loss of confidence on this side of the House, by the faintest effort to conciliate the support of the other. I shall steadily persevere in the course which I have uniformly pursued since the passing of the Reform Bill—content with the substantial power which I shall yet exercise—indifferent as to office, so far as personal feelings or personal objects are concerned—ready, if required, to undertake it, whatever be its difficulties—refusing to accept it on conditions inconsistent with personal honour;—disdaining to hold it by the tenure by which it is at present held. Every stimulus to continued exertion will remain, Every distinction that my ambition aspires to will be gained. I shall have the cordial co-operation of many friends whom I honour and esteem, and with whom I have acted from my first entrance into the troubled career of political life; with those friends also, not less honoured and esteemed, who, having made the noblest sacrifices of power and political connexion to public principle, have been united with me by an overpowering sense of public duty. Above all other encouragements, above all other distinctions, I shall have the proud satisfaction of acting in entire and cordial concert with that illustrious man on whose right hand I have stood throughout the varying fortunes of the great contests of recent years, who is still devoting faculties, unimpaired by time, to the service of a grateful country, and achieving a reputation as a statesman, not inferior to his pre-eminent fame as a warrior, through the exercise of the same qualities, "rare in their separate excellence, wonderful in their combination," which ensured his military triumphs; the same acuteness, the same sagacity, the same patience, the same true courage, the love of justice, the love of truth, the noble simplicity of mind without fear and without reproach. Encouraged by such an example and supported by such aid—holding opinions which I believe to be the opinions of the vast majority of those intelligent and powerful classes which used to influence and which ought to influence the constitution and the march of governments—the clergy, the magistracy, the commercial classes, the yeomanry of this country,—I can hardly believe that such opinions are incapable of practical execution. But be that as it may, of this I am sure, that they must so far prevail, that he who holds them will be enabled effectually to assist you (the Government) whenever you resolve to refuse improper and dangerous concessions; and, if you are inclined to make them, to offer those impediments to your downward progress, which you will call obstructions to public business—which the country will consider the real guarantee that this free and limited monarchy shall not be converted, through the folly or the weakness of its rulers, into an unqualified and unmitigated democracy.

Lord *John Russell* * said, Sir, at the end of four nights of debate, the right hon. Gentleman has made a speech of about three hours' duration, in support of a motion asking this House to give advice to her Majesty, to pray her Majesty to dismiss those Ministers in whom she has placed her confidence, and to take other Ministers to her councils. The right hon. Gentleman's speech was divided into two parts. During the first half of it, he endeavoured to prove, that, this country is in a state of calamity, of internal discord and disorder, that our finances are embarrassed, that our credit is nearly ruined, and that our difficulties are almost irretrievable; and having for about an hour and a half proceeded in this strain, the right hon. Gentleman devoted the remainder of his speech to prove, that he was ready, and capable, and willing, to remedy all these disasters, and that he was qualified to fill the highest place in the councils of the Crown. Sir, I have a right at least to expect some attention in my answer to that speech. I complain not of the motion; I complain neither of the motion itself, nor of the time at which it has been brought forward. On the contrary, I think, that if this House is prepared to give advice to the Crown upon the subject of the dismissal of Ministers, at no time can it be more fitting to be given than at the commencement of the session, when those who may take the great offices of the state, may have some time to look into our complicated affairs, that the session may thereby not be lost, and that some measures may at least be proposed by those to whom the confidence of the Crown is to be transferred. It is, therefore, with great satisfaction that I find this is not a motion, like that which was brought forward last session with respect to Canada, as a kind of postscript to a different motion; that it is not a motion like that regarding the reversal of our resolutions respecting the Irish church, which, after plausible professions, tended to make any arrangement consistent with our character impossible; and last of all, that it does not resemble the motion that was brought forward last year, to which the right hon. Gentleman so much alluded in the beginning of his speech—a motion going to the foundation of the Ministry, obliging them, as the result proved, to resign office into the hands of her Majesty; but nevertheless, brought forward with the declaration, that it was not to be made a party question; and I am glad, that at least, such is not the nature or aspect of the question with which the House has now to deal. Some complaint I may indeed make, and it is this, that the greater part of the debate has been employed in charges against the conduct of our internal affairs, and against the means taken for the repression of disorder and dissatisfaction, during the whole of last session of Parliament, when I had the conduct of those affairs—when during many anxious months I was employed day by day in providing against the dangers which day by day arose, and had in the evening to conduct the affairs of Government in this House: and during that time, there was neither a general complaint, neither was there what might have been fairly demanded, if there were grounds of complaint, a demand for papers to be laid on the table of the House, as has been done on several former occasions. I do not say this because these papers would have given a different aspect to the complaints of the right hon. Gentleman; but because it is but fair that the House should have at least some materials to go upon before they are called upon to form a judgment. I am compelled, therefore, to take a course which may be tedious, but which, in consequence of statements made on the other side, in justification of my conduct as Home Secretary, I am compelled to take. In doing this I am obliged to do, what I fear will be very unpleasant to the noble Lord, the Member for North Lancashire, who wishes to confine our attention entirely to the last five years. The noble Lord would not go beyond the last five years, he would not even refer to what had happened in 1829, nor allow us to quote proceedings in which he had no small share of credit, but on a different side and with a different party in politics. I cannot consent to adopt the limitation of the noble Lord. Regarding this question of the state of the country, I must beg to observe, that towards the end of the last century there was a great increase of population, an increase especially in the manufacturing towns, where people were gathered together in large masses without, as I remarked at the end of last session, allowing a gradual growth under the proper means of civil Government and religious instruction, which had attended the slower growth of the country. Thus there sprang up a people whom it was easy to inflame and excite by popular harangues, and by the press; by large meetings, and by inflammatory newspapers, which it was extremely difficult to keep within the bounds of law. Means were in those days taken to suppress these disturbances. The *Habeas Corpus* Act was suspended, and new laws were passed against treason and sedition, and prohibiting the attendance at public meetings of this kind, which proceedings were renewed from time to time till 1801, and which were justified upon the ground that they were necessary for the safety of the country. Lord Eldon many years after said, in the House of Lords, that he believed he had instituted more prosecutions than any Attorney-general, but that he found the existing laws totally insufficient to meet the emergencies of the times, and Mr. Pitt's Government was accordingly obliged to provide new laws for the purpose. In 1817, new disturbances broke out, and in consequence a secret committee was appointed to inquire into the state of the country. The *Habeas Corpus* Act was suspended, and remained so during the whole of that year. In 1819, fresh dangers arose, in description of which, he would beg to quote the statement of a noble Lord, then the foreman of the grand jury of Lancaster, and the father of the noble Lord opposite,

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* From a corrected Report.

> "That he was directed by the grand jury, as their foreman, to forward a statement, deduced from their inquiry into the state of the county (Lancaster), from which the following are extracts:—'From the result of that inquiry it appears, that the most inflammatory publications have for some time been industriously circulated at a price which puts them very generally into the hands of the poorest classes of society. The training and military drilling of large bodies of men, under regular leaders, have for some time been carried on to a great extent, and the times chosen for the purpose are principally during the night, or at such hours as seem best calculated to elude observation. Marching and other military movements are practised with great precision, and the words of command are promptly and implicitly obeyed.' . . . . . .
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> 'Whatever may be the real object of those who have obtained an influence over the minds of the misguided, there is reason to believe, from the declarations which have been openly and avowedly made, that the object of the lower classes in general is no other than to reverse the orders of society which have been so long established, and to wrest by force from the present possessors, and to divide among themselves, the landed property of the country.
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> 'Indeed, in one populous district, no warrant

for ordinary offences, or other legal process, can be executed; the payment of taxes has ceased, and the landlords are threatened with the discontinuance of their rents."

In consequence of that state of things the Ministry in that year introduced six different Acts for the maintenance of the peace of the country. I am not going either to defend or to arraign the course which the Government of that day took in suspending the Habeas Corpus Act, and restricting the right of public meeting. If there is anything which I have learned from official experience, it is not to judge presumptuously or harshly of my predecessors in power, who, no doubt, considered that there existed very forcible reasons for the course which they then adopted. But if they thought themselves justified in suspending some of the most important laws of the constitution, I beg to say that I have been bred in a different school: I believe in the opinion expressed by Mr. Fox, that in such cases of great public danger it is necessary to put the laws into force, and that except on very extreme occasions there is something in the laws, and in the power of the constitution, by which such difficulties may be overcome, and such dangers suppressed, without having recourse to any violent interference with the constitutional liberties of the people. In one of the years just referred to, I, being a Member of this House, opposed a proposition for the suspension of the Habeas Corpus Act, not with any purpose of obstructing the Government of the day, but because I thought such a proceeding unnecessary. This I did in company with Sir Samuel Romilly, Sir James Mackintosh, and others, some of the wisest and best men of our time. When, therefore, I came into office in later years, I did not follow the course which was vulgarly, but often falsely, asserted to be usual with persons coming into office, namely—that of succeeding to the policy of the Government which had gone before, and abandoning the principles which I had declared when in opposition; but with those principles still in my mind, I have still thought that public dangers of this kind may be met with greater safety by not suspending any part of the constitution; and accordingly, when the occasion arrived, I set myself to work, endeavouring by means of the law, and the law only, to suppress the disturbances which have broken out. Now, with respect to the nature of these disturbances, I think of them as I have on a former occasion intimated to the House, that they were so far the more dangerous, as they appeared to be the result of two different sets of persons working to the same end; one of these parties, very honestly, perhaps, but I think very injudiciously, and certainly very violently and intemperately, calling for the repeal of the Poor-law Act, amongst whom was Mr. Oastler, who threatened that unless that object was soon obtained, he would resort to the dagger and the torch; the other of those parties demanding universal suffrage, but with it combining all those great and dangerous objects which my Lord Stanley, in 1819, said were in agitation in the county of Lancaster. The agitation of these topics, separately and together, produced a very great effect in stirring up the lower classes of society. In 1837 immense meetings were held. In 1838 the same proceedings were continued, but they generally dispersed quietly, without any violent infraction of the public peace. But soon after this Mr. Oastler called upon and advised the people to arm themselves, and in the beginning of December in that year, I wrote to Lord Melbourne, stating that various accounts had reached me, which convinced me, that there was a very dangerous spirit rising in some districts; that at the same time, I did not think that any general insurrection was to be apprehended, or that the disaffected parties had any regular leaders, but that I was afraid violent outbreaks might ere long occur, and probably be attended with loss of property and of life. Under these circumstances, I asked my noble Friend to order a proclamation to be drawn up, which, with the assistance of the learned Attorney-general, was accordingly framed, and appeared in December, warning the people against the practice then prevalent of meeting at night by torch-light. In consequence of this proclamation, these meetings were almost immediately discontinued, the leaders of them having put out placards to put a stop to the practice. Other meetings, however, took place, to which arms were brought, and another proclamation was issued, prohibiting such illegal assemblies. After this, I thought it my duty to correspond with the various authorities in the country, to see that the laws in these respects were properly executed. The House, I am sure, will appreciate the difficulties which beset me at this time, when compared with the former occasions of disturbance to which I have alluded, there being no peculiar circumstances to give weight to the public dissatisfaction displayed, of such amount as the agitation of the Poor-law question occasioned; and the Government of that day inspired terror by the extraordinary powers they had obtained from Parliament. In the course of this correspondence I found that the Lord-lieutenants generally, acted with the greatest intelligence and alacrity in giving assistance and conveying instruction to the magistrates; but it was not long before I thought I discovered that there was not a sufficient direct control over the constabulary of the country. With regard to the magistrates, they are not in this country, as in almost all others, a regular body of men, functionaries under the Government, corresponding with the Government, and executing their duties in conformity with its directions. I have found, however, amongst these gentlemen every disposition to do their duty; but at the same time, in some cases I think the feeling of alarm has been carried to excess, while in others, individual magistrates thought the peace and safety of their own neighbourhoods might be better secured by their abstaining from any vigorous measures of suppression, and that if left to itself the threatening danger might pass on to other neighbourhoods. But when the magistrates did attempt to the utmost to do their duty in the suppression of outrage, it was found that they had not the means of putting down the infractions of the peace by the civil power, without calling in the aid of the military force. They had no means, nor funds at their disposal to meet the emergency, and the consequence was, that in many instances there were districts containing many thousand inhabitants, and having only one, two, or three constables at the disposal of the magistrates. I soon found, therefore, that although the law was strong, the means of enforcing the law were defective; and I then mentioned the fact to a noble Lord in the other House, who is generally opposed to me in politics, and stated at the same time, that I did not think it would be safe to prorogue the Parliament without making provision for a sufficient constabulary force. In the mean time, whenever the military were called out, I took care to give such directions, as to their operations, as I thought most likely to give them efficacy in the preservation of the peace. I also gave directions against organization and training, and I believe that, in consequence, such practices did not take place in those counties, which, in other respects, were most disturbed. Some of the letters which I wrote on those occasions, the House is already acquainted with; but I believe that the number of those which are before the House is comparatively few; and, therefore, I hope that the House will take my word for it, in which I have also been borne out by the statement of my hon. Friend the Under Secretary of State, that during the whole of that trying period, I anxiously employed myself in giving such directions as I thought would be most conducive towards the preservation of the peace of the country. I had then to consider, that having employed the power of the law, under circumstances of great agitation and disturbance, when under similar circumstances it had hardly ever before been attempted to be employed, without the extraordinary assistance of a suspension of the Habeas Corpus Act, or other rigorous measures, and finding that the executive machinery, in the hands of Government, was not adequate to the occasion, how it might be improved. It has been before stated, not by myself only, but by Sir Richard Jackson, a most experienced officer now in Canada, that it would be difficult to maintain the peace of the country without a more efficient civil force. This, at the time it was first announced, was considered by many a new and unconstitutional project, and I experienced the greatest difficulty in obtaining the consent of Parliament to it. But when I found that, without a measure of this kind, the safety of the country could not be relied on, I, at the end of the last Session, brought the question before the House, and the House, with great unanimity agreed to increase the military force of the country, and to give powers to the Government, with the view of placing the civil force of the country on a more efficient footing. Objections were now being made, however, to putting this project in operation, on the ground, that one of the Commissioners was a Poor-law Commissioner. But, in fact, the Speaker of this House, who combined a practical knowledge of the law with an extensive acquaintance with rural affairs, was the

Commissioner in question. Let us now consider what has been the result. I confess it does not appear to me, so much as it has done to others, that the disorders of the country are completely suppressed. But in many parts of the country, quiet and tranquillity has taken place, where, previously, the inhabitants were in a state of the greatest alarm. Prosecutions also had been undertaken which have been most successful in their result; out of 290 prosecutions there having been 232 convictions. Of course, in many instances, persons have been discharged at once, without proceeding to trial, and, upon the whole, I do not think, that with regard to these proceedings, and the verdicts which have been obtained in cases which have been prosecuted, Parliament have a right to complain, either of my conduct or that of the law-officers of the Crown. A complaint has been urged, that publications of a seditious character have been allowed to go on without prosecution. Upon this point all I can say is, that I do not think it safe to order any prosecution, unless the law officers of the Crown have previously given their opinion that it is one likely to lead to a conviction. There is one case in particular, that of the *Western Vindicator*, in which, after referring it to the law officers of the Crown, they informed me that it was undoubtedly a seditious publication, but they did not think it a case in which they could obtain a conviction. Now my great object has been, to show that the juries of the country will support the laws, and that the laws, with their aid, are sufficient to put down disturbance. I felt that if I brought an action of this kind, and failed, it might lead to a very fatal prejudice in the popular mind, that these parties were unjustly prosecuted, and that the law was being strained to meet a particular purpose, which would lead to great danger of making the laws really fail, and occasion an absolute necessity for my calling for those extraordinary measures for the preservation of the peace of the country, which it has all along been my object to avoid. In like manner, there are many cases in which persons may have used exciting and seditious language, and yet there may be no means of bringing them within the pale of the law; but still they do not form a sufficient ground for such extraordinary measures, as the suspension of the Habeas Corpus Act, which I opposed in former years, and of which opposition I saw no cause to repent. I thought, that unless I found that I was totally unable to maintain the peace of the country by the existing laws, the subjecting Englishmen to other laws than those which they knew and revered, looking only to a temporary object and difficulty, might be productive of a long and rankling feeling of discontent, the influence of which might extend to many future years. I have thus stated the general course which the Government pursued. I will now consider the charges brought against me. One is the reduction of the yeomanry. The right hon. Baronet (Sir Robert Peel) should remember, that the yeomanry was increased in 1831, and that the yeomanry which I have maintained, remained 4,000 stronger than the yeomanry when the Duke of Wellington was in power; and though the present Government has reduced the yeomanry, there remains 14,820 men, a force amply sufficient for all the purposes for which that force was instituted. Another charge was, that Mr. Frost had been made a magistrate, and that, too, after he had been convicted of a libel. It does not appear to me that the latter ground alone should be deemed sufficient to exclude a person from that office; but, under all the circumstances, when the name of Mr. Frost was proposed for the magistracy, immediate reference was made to the Lord-lieutenant of the county, who returned for answer, that he considered Mr. Frost a fit and proper person to be so appointed. Much has been said against the Reformed Town Council, but it is not at all improbable that the same appointment would have been made, supported by the opinion of the Lord-lieutenant, had there been no such body as the Town Council of Newport in existence. The right hon. Gentleman, the Member for Pembroke, has, in his very acrimonious speech, compained also that a gentleman of the name of Muntz has been placed in the commission of the peace. From the information which I have obtained, I have every reason to believe that Mr. Muntz is a gentleman extremely well informed, that he possesses a good deal of property in the borough, and devotes the strictest attention to the business entrusted to him; and that, although he has once been somewhat violent in politics, he has become more moderate in his views. It appears no uncommon case, for I often find that men who begin in politics very violently, gradually become more temperate, or, if the term is better liked, more conservative; but, at the same time, without entirely abandoning their old friends and their old principles. I have heard but one opinion of Mr. Muntz, which is, that that gentleman has well, ably, unflinchingly, and impartially discharged his duties as a magistrate. Such, then, are the charges; for I do not remember any other. Yes, there is one other, which I did not think the right hon. Gentleman, the Member for Pembroke would have brought forward; but I was mistaken. The right hon, Gentleman said, that the speech which I made last year at Liverpool, was dangerous in the then circumstances of the country. I stated my opinions with regard to public meetings; I stated then, as I have done since privately and in letters, that as long as meetings are held for the sake of discussion only, I do not think they ought to be suppressed, and that if they are confined to free discussion, that ultimately common sense and truth will get the better, and that as long as Government allows every liberty to free discussion, the Government has a right to expect that there will be no infraction of the law; and that until such infraction of the law takes place, it is not advisable to interfere. I distinctly made this qualification at the time, trusting that if my speech was published at all, it would receive publicity through the usual channel of the reporters. But it so happened that there were no reporters at the meeting, and some gentleman present, writing from memory, sent the speech to the public papers, as it afterwards appeared; and although the qualification of my opinion with regard to public meetings was omitted in that imperfect report, I did not think it necessary to send for publication a more full and accurate report of what had taken place, being of opinion, that my own well-known sentiments, and the general policy of the Government, could not have fairly left any person room for a doubt or misconstruction of my meaning; and I do believe, that those who have since quoted that speech have done so only for a purpose, and knowing that it was not fairly liable to the construction which they put upon it. These, then, are the charges with which the right hon. Member for Pembroke has made the first attack of importance against the Government — these are the charges, ranging over two years of some difficulty, that two persons have been appointed to the commission of the peace, whom some thought ought not to have been appointed, and that a speech had been made which has been misinterpreted. When hon. Members are asked in this House to pass a vote of want of confidence in the Government these charges do, after all, appear a very inadequate ground to stand upon. However I may have conducted these affairs, I have still the same belief—it is possible that this Government or some other Government, may be compelled to have recourse to severer measures for the preservation of the public peace; but I do not think it probable, that such measures will be necessary. I have firm reliance on the constitution, and on the existing laws to provide means of repression for any emergency that may arise. The right hon. Gentleman who spoke last, has proceeded to another class of accusations against the Government which do not belong to Ministers as a matter of Administration. The right hon. Gentleman has made it a matter of grave complaint against the Government, that they should allow such things as open questions; and, dilating upon their inconvenience, states it as his opinion, that there should be no open questions. In some of the opinions put forward by the right hon. Gentleman, I agree; but I believe, that it is impossible at present, whatever may be the inconvenience, to avoid entirely open questions, especially when every Member is directly responsible to a body of constituents. But it is a new charge to be brought against a Government, that they have been guilty of what every man of any name or political character may be charged with for the last fifty years, Lord North, Mr. Fox, Mr. Burke, Mr. Canning, Lord Liverpool, Lord Melville, Lord Castlereagh, and others I might name, have all acted in Governments in which very important questions were open questions; and yet the present Government are to be condemned because they have taken a similar course. I will conceive their laying down a rule, (though I do not believe they will be able to practise it), that no Government in future shall have open questions; but to bring forward for four nights the accusation, that they have not adopted a new view of the Government and Constitution, and merely pursued the course which other Governments have done, which were subject to the same risks and inconvenience, are matters of indictment and charge of a very extraordinary description. At all events, it will bind those who are in favour of excluding open questions, to lay down an inflexible rule on this point never to be departed from. Be the accidents of the State what they may; be the fortunes of the Empire what they may; it is impossible, if this rule is once laid down by those who succeed in office to the present Government, to depart from it under any exigencies under which the State may be placed. There have been certain times when the persons composing the Government would not have done their duty if they had not consented to open questions. Mr. Pitt has been subjected to great obloquy for allowing open questions. Now, suppose he were conducting a war against France of so formidable a character, as to have required the assistance of the talents of Mr. Dundas, on whom he placed the utmost reliance for carrying into effect his plan of operations, I maintain that at such crisis, when every thing was at stake, and the whole Empire was on fire, Mr. Pitt was justified in taking Mr. Dundas into his cabinet, though on the slave-trade he took an opposite line from himself. The same cause of danger during the war of 1812, when other parties were unable to form a Government, justified those who did undertake it, in making the Catholic question an open question. I agree, that as to the latter question the course was full of danger, and continued too long, but I have often heard, and I can even believe it to be the case, that those most in favour of that measure found a great difficulty in telling Lord Liverpool, under whom they acted, "the time is come when you must break up the Government." But will the right hon. Baronet, with his strong opinions, and his experience of the difficulties which he has actually encountered—will he say, that he has absolutely determined, that in any Government in which he should act, there shall be no open question? There was a question (I know not how the right hon. Baronet would have determined it), with regard to which a person holding office under his Government declared, after it was dissolved, that he should have voted against the proposal of the right hon. Member for Launceston. I allude to the Education Grant for Ireland. I know not, I repeat, how the right hon. Gentleman would have acted on the occasion, but I certainly do think, that if the party—the united party which I see before me—were to come into power, and some of the most valuable members of that party had very strong and conscientious opinions upon such a subject, it would be hardly just to these persons or to the country, were they perpetually excluded for such a difference of opinion. I can not believe, that there will not arise in the course of years some question on which they as a party, would not be divided. And I am not sure, that even on the subject which is most strenuously charged against us (the Ministers), there will not be entertained adverse views by the Members of the right hon. Gentleman's Cabinet. I allude to the question of Corn-laws. It is not my intention to refer to the declarations of Mr. Dawson, but do the Duke of Buckingham and the hon. Gentleman the Member for Wakefield (Mr. Lascelles) agree entirely in opinion on this question, belonging as they do to this united party? Do either of them agree in the opinions stated by the right hon. Gentleman? By no means. The noble Duke (as I understand him) is for standing by the Corn-laws without the least alteration.—The hon. Gentleman is evidently in favour of some alteration in the Corn-laws, and advocates greater freedom of trade in that commodity; while the right hon. Baronet the Member for Pembroke (Sir J. Graham), the noble Lord the Member for North Lancashire, and the right hon. Baronet the Member for Tamworth, agree in two principles of protection to agriculture, and a graduating scale of duty. But I presume, that in wisdom and prudence, they have not bound themselves absolutely to any particular amount. I do not quarrel with that opinion—very far from it; I will give my views upon the subject of the Corn-laws when the debate comes on, but for the present debate, it is quite sufficient to shew, that the Duke of Buckingham, the hon. Member for Wakefield, and the right hon. Baronet the Member for Tamworth, are very far from entertaining the same views with regard to the Corn-laws. The right hon. Gentleman has referred to those questions on which he was attacked while in office, and when a leader of this House, on the ground of economy. There were certainly attacks made upon him; and though I belong to the party from which those attacks proceeded, I never strongly urged those opinions, and certainly never took any leading part with regard to the economical questions, because I was aware that there was a right hon. Gentleman of my party who had entered on this subject with great industry, matured all the details, and brought forward his propositions with such poignancy and pungency, that they became, not merely economical statements, but conveyed some of the bitterest attacks which could be made on the right hon. Gentleman's Government. It was not I, I repeat, or any of those around me, who urged such a warfare, but the right hon. Member for Pembroke. And I must say, when we hear of so much of Radical motions, that of all the motions which I have ever voted for, that upon which, on reflection, I think myself most wrong, was the motion brought forward by the right hon. Gentleman with respect to the Privy Council. I really do think the motion, without being directly aimed at such an object, gave the public such a false notion of the amount received by the judicial and executive authorities, that it must be looked upon as tending to weaken the respect of the people towards their rulers, upon unsound premises. [Sir *J. Graham* was understood to assent to the noble Lord's view.] I have come to the same conclusion on this point, though we unfortunately differ on so many others in which we once agreed. But then comes the particular question of the Ballot, and of Universal Suffrage, with regard to which they have charged upon us a difference of opinion, and contended that we have suffered proposals to be made with regard to these questions of which we do not approve. My answer to that is, that those approving of such opinions could not be blamed for supporting them; and that if, on the other hand, those disproving of them, had declared their hostility, and had opposed them, blame could not, fairly, be imputed to the Government. The course which I remember some persons, pretending to be friendly to the Government, recommended was, that those professing these ultra-Liberal and Radical opinions should be allowed to bring them forward, and be met by those opposed to them, without any part being taken on the part of the Government. I at once repudiated adopting any such course, and it appeared to me that when those opinions were stated in the House, it had a fair right to hear my views with respect to them. And had I concealed my opinions? Had I not put the Government in peril, and voluntarily and willingly put it in peril by the open declaration of my opinions? The hon. and learned Member for Dublin had, in the course of one summer declared his opinion at various public meetings, that the House of Lords ought to be an elective body. I took the opportunity on the occasion of an address being presented to me, to state that, with regard to organic changes, I thought it most undesirable to introduce them—that they could not be discussed without division, or adopted without peril to the monarchy. That opinion was delivered in 1837, and it produced, as it naturally might, irritation amongst those who held such opinions with regard to the House of Lords,—so far was it from being true, that it was after the accession of the present Queen I had declared my opinion on this subject. Then, with regard to any further important changes in the constitution of the House of Commons, as soon as that proposition was made, I declared my opinion upon the subject; I declared it strongly. I offended many of my friends and supporters by that declaration; in fact, I actually put the Government in danger. The noble Lord, the Member for North Lancashire, who hardly ever spoke in my support when I had these contests to undergo, took care to recollect an epithet made use of—certainly a very disparaging one to the Government—by the hon. Member for Finsbury; but he totally forgot to mention the opposition which I had given to the motion itself. On other occasions like it I opposed these motions for extensive changes, and I have placed on record, by means of the pamphlet which has been quoted, my opinions upon this subject. I have not changed those opinions. I considered that to enter upon a new Reform Bill, even granting, what I am not ready to grant—but even granting that all the defects pointed out in it are real defects, and the plans proposed to be substituted were in themselves better, I still will say that to change the Suffrage by which the House of Commons is elected, and to enter upon a new Reform Bill, will cause such doubt and uncertainty as to our whole future course with regard to the institutions of the country, that I cannot see it adopted without a great deal of alarm. Notwithstanding this, I have agreed that the Ballot should be one of those questions which should be made an open question. I will tell the House that I did not think the Ballot was consistent with anything else than Universal Suffrage; but I do not agree with the right hon. Gentleman that that would be the immediate effect of it. On the contrary, my belief is that it will be so unpopular a change, that when it takes place there will be such opposition against carrying further, to any great extent, the Suffrage, that either by practice or by law, open voting will very soon be reverted to. Secrecy could not be made popular in this country without, at the same time, making the Suffrage, if not universal, much more extensive than it is at present. I do not think that it will be the least popular in this country that there should be one set of persons giving their votes in secrecy, and all the rest voting openly. But among those who maintain opinions in favour of the Ballot, there prevails various opinions on the subject. Some say that although they may have Vote by Ballot, no further changes would be adopted: this was the opinion of one who had long advocated the Vote by Ballot, and was of considerable authority on that question, I mean Lord Spencer. That nobleman told me, that the adoption of the Vote by Ballot, in his opinion, would make very little change in the country; and I recollect, that soon after the general election of 1837, Lord Spencer told me, that in his opinion, if the Ballot had existed, there would have been but one or two elections which would have terminated differently than they did. Such is the variety of opinions prevailing on this subject, that I certainly do not think that there are sufficient grounds to induce the Government, seeing how much those on this side of the House are divided on the subject, to refuse that this should be made an open question, and that every one holding an official situation be at liberty to vote as he pleases on the subject. I come now to another part of the right hon. Gentleman's speech, in which he maintained that he was ready to state the measures which he thought were practical, and which he thought might be carried on consistently with the Government of this country. Omitting the other topics, I may say a few words with respect to that vital question, namely, the Government of Ireland. We have heard to-night from no suspected authority—from an authority as little doubtful on such a subject as the hon. and learned Sergeant the Member for Bandon, that there is existing tranquillity in Ireland. He spoke of the "existing tranquillity" and the "present tranquillity" as a known and admitted fact. They had then admitted that there is now tranquillity in Ireland. They had admitted that the people of this country have confidence in the Lord-lieutenant and the present Government. They had it admitted that that country, torn by so many dissensions—the scene of so many oppressions—the theatre of so many barbarous cruelties, where those dreadful scenes occurred in the rebellion of 1798, which made the Duke of Wellington say, that he would rather lose his life than see a month of civil war in Ireland—they had it admitted that that country was at the present moment in a state of tranquillity. The right hon. Gentleman who last year made a speech, in which he explained his reasons for refusing to undertake the government of the country after disposing of all his difficulties—difficulties far greater than any he has shown to affect the present Government—after showing that on the Jamaica Bill he was in a minority of five—that many of the Gentlemen who sometimes voted with him, did not give him their general support, not holding the same opinions as himself—after stating, with regard to the Speakership, he should probably be in a minority, came at length to the vote which the House of Commons had given in favour of Ireland, and stated, that he knew his difficulty was in Ireland. Therefore, they had, on the one hand, this existing state of things in a country forming such an important portion of the empire as Ireland, where the people, tranquil, awaiting with confidence the decision of the Government, making themselves amenable to the law, increasing in trade, improving in education. On the other hand, what? The utmost the right hon. Gentleman had been able to maintain, was, that he thought it might be practicable to govern Ireland. I say, then, why make the exchange of present tranquillity and peace for probable discord and certain ruin? But let us see what the supporters of the party opposite have been doing. A great meeting took place at Manchester.

It was stated, that on the day previous great anxiety was felt by the public to attend the meeting, and then an account was given of its proceedings, in which one speech appeared more particularly to excite interest than the rest, and to have been received with very great applause. It was the speech of the Rev. Mr. Greg, of Dublin, and what said he? He said,

> "It was their duty to encourage the good work (that was the conversion of the Catholics), and he would tell them the manner in which that was to be done. For instance, were the Queen a true Christian (they all knew what he meant), and had she a Christian Ministry, a Christian cabinet, and a Christian court, they should see the Protestant ministers not standing up in tubs, and at the corners of the streets, sometimes getting pelted with mud; but they should see them supported with all the power and authority of the Government, with the military to keep order, if necessary; and a park of artillery to fire a signal for the commencement of divine service."

I should have thought that such language would have excited an expression of disgust, but I observed it was printed, as having been received with marked applause. The rev. orator proceeded to say, that a royal proclamation under the hand and seal of Queen Victoria should be issued, to compel all Roman Catholics to attend the Protestant service, and a resolution was proposed in accordance with the views of that rev. gentleman; it appeared that that resolution was put and carried quite unanimously, and that there was also a great deal of money raised for the purpose of the meeting. Let it be remembered, that this spirit was got up by persons who had been very active in what was called the Protestant cause. Yet the House was at the same time told by the hon. Gentlemen opposite—by those whose friends had been so zealous to awaken this feeling in the country—that they were desirous of carrying into effect the Roman Catholic Emancipation Act. What was the Roman Catholic Emancipation Act? In the first place it allowed Roman Catholics to enter Parliament. That part of the Act I imagine none of the hon. Gentlemen opposite would be bold enough to alter. In the next place the Roman Catholic Emancipation Act permitted Roman Catholics to come into office. It was a question in the other House of Parliament, when the Bill was under discussion, whether the First Lord of the Admiralty might be a Roman Catholic. A noble Duke, the Duke of Rutland, proposed, that the Prime Minister, or in other words, that the First Lord of the Treasury should not be a Roman Catholic. The Duke of Wellington rejected any such alteration. The Duke of Wellington said what was quite true, although it was not commonly a matter of practice, that the Prime Minister might be Foreign Secretary, or in fact, might hold any place in the cabinet. But the Duke of Wellington said more than this; he said, that he had taken a security in the Bill, which security was this: that if the First Lord of the Treasury were a Roman Catholic, he should not have the disposal of livings and benefices in the Church. That was the security which the Duke of Wellington took; evidently implying, that care be taken that the bishoprics, the dignities, and the benefices of the Church should not be given by the voice of a Roman Catholic First Lord of the Treasury; that even to that high office it was his intention—the large and generous intention which he entertained, that the spirit of exclusion should not enter. And did the hon. Gentleman opposite now come and say, a Roman Catholic may not be Secretary to the Admiralty? Why, county meetings were held upon the subject. There is this day a report of a county meeting, at which it was said, that the great advance of Popery was shewn by a Roman Catholic being made Secretary to the Admiralty. How do the Gentlemen opposite answer that? Suppose they were to come into power to-morrow. They assert, that they are willing to carry out the Emancipation Act; but if they appointed a Roman Catholic, great violence would be immediately shown by a large number of persons to whom they are politically allied, and who at the present moment are highly excited against the existing Government. Excited! for what? not that they differed from the Government upon many questions of dispute in that House—not that they differed upon many of the questions upon which there was a contest of principle between the Government and the right hon. Baronet Then it was necessary to find some question on which the people could be roused. Sir, the excitement, and the motive for raising it in the public mind, had this origin. It was in order to induce the people to feel some interest in the reinstatement of the right hon. Baronet into power, that these means had been taken to revive the flames of religious intolerance. It was to make them believe, that if the right hon. Baronet came into office, there would be an end to the Roman Catholic party—an end to Roman Catholic Privy Counsellors—an end to Roman Catholics in office, and that, therefore, the Roman Catholic Emancipation, although it remained upon the statute book, should to all intents and purposes be dead, andinoperative in its efforts. A Ministry brought in to exclude, and proposing to admit, praised for one set of principles, and acting on another, would have to encounter great discontent, and would be able to meet that discontent only under very great difficulties. But there is another question. The present Government has acted all along upon principles of religious liberty. The present Government holds that however one person may be a member of the Church of England, another attached to the Presbyterian communion, and another to the Roman Catholic communion, still, with regard to civil offices and civil qualifications, all ought to be equal; and that no man should be insulted on account of religion. No Roman Catholic, therefore, has any difficulty in acting under them. But, supposing that the right hon. Baronet got over the first difficulty, and consented to admit Roman Catholics to office, how many Roman Catholics does he imagine would be ready to accept office under such conditions as they would find imposed upon them? When they found that their religion was everywhere reviled — when they found that those who belonged to their communion were constantly held up to execration — when they found, that their religion was pointed to with abhorrence, as idolatrous and profane—when they found that wherever they went, they were looked upon as destroyers of the Protestant Church, and, therefore, were watched as enemies—when they found all this, what probability is there, when the right hon. Baronet had persuaded himself that he had found a Roman Catholic fit for office—when he had found one with none of the many disqualifications which were insisted upon by his party—when he had found one who had never made a violent speech, who was not eager to advance a particular system of education; one, in short, who had none of the disqualifications which were so readily found in a Roman Catholic—when the right hon. Baronet had found such a person, what probability is there that a difficulty would not arise in the mind of the Roman Catholic himself? Might not the party whose service the right hon. Baronet sought to receive, very naturally say to himself, "If I am to serve under a Tory Government, let me well consider whether I shall not be serving under a party which will degrade me—whether I shall not be committing an act of self-degradation by accepting any office which such men can bestow?" I maintain that this would be the effect of the outrageous spirit which has been excited. This would be the effect of endeavouring, by meetings and inflammatory speeches to make the people of this country believe, that the Roman Catholics were idolators. This is a spirit which would render it most difficult for the party opposite to govern, not only in Ireland, but in England, and likewise in the colonies: for I can assure those hon. Gentlemen that this intolerant spirit would suit as little in the colonies as in any part of the United Kingdom. I have already told the House what I have done with regard to the Ballot, and the extension of the suffrage. I have said, and I think I may do so with truth, that whenever opinions which I think dangerous are proposed in this House I have invariably been ready to take my part against them. And I say, further, that it was in consequence of that resistance on my part, that many of the supporters of Government were lost, and that in May last, the Government felt bound to resign. But when I look to the other side of the House, and look for the speeches made from time to time by the great leaders of that party, in which they might have expressed their disgust at the attempts made to disunite the people, and to substitute discord for harmony and good feeling; when I look for this—when I remember that the principles advanced by that class of their followers, were principles upon which they would not and could not act, and yet saw the silence they had observed, I must say, I think that they were culpable in withholding the loud and open expression of their condemnation. But, omitting all other subjects, I think, that with regard to Ireland, it would not be safe to place the Government in the hands of those who formed the great party which now assumed to take the direction of affairs. I observe, that during these four nights' debate, and in spite of the announcement which was made, that all the faults of the present Government should be dragged into light—I cannot help observing, that having the conduct of the affairs of this great empire in every quarter of the globe—having foreign powers to negociate with from day to day upon matters of the deepest importance—having colonies to govern in every region of the earth—countries where existed different races of men, different forms of religion, different laws; countries, therefore, difficult to govern—I cannot help observing that with all these difficulties to encounter the charges actually made against the Government comprehend but a small portion of our conduct—comprehend, even if made good, but very trifling instances as compared with the whole duties of Government. If there were so many of the interests of the empire which have not been neglected—if, for instance, the affairs of Belgium have been brought to a satisfactory conclusion—if England has still an ally in the Queen of Spain: if the Basque provinces have been pacified; if the Canadas at length assume a prospect not only of returning tranquillity, but of permanent freedom and happiness—I do think that when the House is called upon to pronounce a general opinion, an opinion not merely upon those items of charge which have been brought forward by the Opposition, but upon the general conduct of affairs—I do think, that in giving that opinion, the House ought not to leave out of view those many important interests—those many vast concerns upon which not a syllable has been uttered, that the Government has ever betrayed its duty, or neglected to pursue the policy essential to the interests of this country. Now, last of all, I come to allude to that upon which it has been said by the noble Lord opposite we were utterly inefficient, namely, to measures of legislation. Obstructed, as we have been, to use the noble Lord's own term, obstructed as we have been by a large party in this House, by a very decided majority in the other House, I think that during the four years, that have elapsed since 1835, the legislative measures proposed and carried by the Government have been neither few nor unimportant. I maintain, that there is scarcely a time to be found of equal duration, in which measures of more importance have been carried. In the year 1835, was passed an act reforming altogether the municipal corporations of this country; placing them all upon a new foundation, admitting popular control, regulating all their affairs with the greatest minuteness and detail. In another year, there were questions with regard to the Church. The state in which the present Government found the Church was this; that there was one Bishop, as in the case of the Bishop of Durham, with 22,000*l.* a-year, and another Bishop, as in the case of the Bishop of Rochester, with only 500*l.* a-year. In this state of things, the wants of the poorer bishoprics were made up by deaneries and other lucrative offices in the Church. There were likewise pluralities to the greatest extent; so much so, that I remember counting sixteen names in a catalogue of the benefices of the Church, and afterwards finding, that those sixteen persons held sixty-five different species of preferment in the Church. We took measures to prevent any clergyman from holding more than two pieces of preferment, or any two benefices more than two miles apart. That act is one of the greatest importance that has been passed since the Revolution—perhaps since the Reformation. There were also other acts introduced by the same Administration for the registration of births and marriages, by which the Dissenters were allowed what they never had had before—the privilege of being married according to their own forms. Before that time, all Dissenters must be married by clergymen of the Church of England, by a form of which they disapproved. There was also another act passed for the introduction of a Poor-law into Ireland, and although it was at the time made the subject of much contest, and although it might again be made the subject of dispute, yet it is undoubtedly an act of the utmost importance, and I believe the greatest benefit; there has been the Act for the settlement of tithes in England, an act beneficial to the clergy, advantageous to agriculture. I have mentioned these few measures, in order to show that Ministers have not been idle as far as their legislative functions were concerned. On these grounds it is, that I say that the Gentlemen opposite have not made out their case that the Government ought to be displaced—that her Majesty ought to be advised to dismiss councillors in whom she now places confidence, and substitute others in their room. One other subject there is, which I cannot help noticing—I allude to the state of the finances. I am ready to admit that the estimates which we think necessary for the army, and navy, and the ordnance, in order to keep up the character, and power of the country, will perhaps require, in the present state of the finances, the imposition of fresh burdens on the country, the present revenue not being adequate to keeping them up. But this is not by any means an occurrence new to the history of this country; and it must be remembered, that during those years we had to sustain the expenses of the civil war in Canada. Had it not been for that occurrence within the last year, there would have been rather a surplus on the revenue. Soon after Mr. Pitt created his sinking fund, the Russian armament became necessary, and he increased the public debt in order to provide for it. The noble Lord opposite, asked how it was possible to expect the revenue to keep up, while Government was without the confidence of the House. I can only say, that if I went into opposition that would be no reason with me for refusing to vote for the estimates that might be necessary in order to enable the country to keep up those establishments which were necessary for the safety and the fame of the country. [Lord *Stanley* intimated his dissent.] What the noble Lord said was, "How can it be expected that the means will be voted by hon. Gentlemen who have no confidence in the Government?" The House would look to the state of the empire, and see whether the Government had been justified in making the demands they were about to make; they would see if the estimates were no more than the necessities of the public service required. If they thought so, they would give their votes, not to gratify party, but to serve the interests of their country. I confess I do not feel any very great anxiety on the subject of this motion, seeing that all the charges made are of the most flimsy nature, and that they have been fully answered.

Sir *J. Y. Buller* said, At that late hour (twenty minutes to five) he would not trouble the House with a reply.

The House divided—Ayes 287; Noes 308: Majority 21.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Barneby, J.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquis of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burdett, Sir F.
Burroughes, H. N.
Calcraft, J. H.
Cantilupe, Viscount
Cartwright, W. R.
Castlereagh, Visct.
Chapman, A.
Cholmondeley, hon. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Creswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
Davenport, J.
De Horsey, S. H.
Dick, Q.
D'Israeli B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquis of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Visct.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Farnham, E. B.
Feilden, W.
Fielden, J.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt hon. H.
Graham, rt. hon. sir J.
Granby, Marquis of
Grant, hon. Colonel
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt.hn.Sir H.
Hawkes, T.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W.

Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Visct.
Maidstone, Visct.
Manners, Lord C. S.
Marsland, T.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Moneypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nichol, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Lord
Scarlett, Hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stormont, Viscount
Sturt, H. C.
Sugden, rt. hon. Sir E.
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Turner, W.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Fremantle. Sir T
Baring, H. B.

List of the NOES.

Abercromby, hn. G. R.
Acheson, Visc.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Col.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, W. J.
Clay, W.
Clayton, Sir W. R.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Conyngham, Lord A
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Dashwood, G. H.
Denison, W. I.
Dennistoun, J.
D'Eyncourt, rt. hon. T. C.
De Winton, W.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Edwards, Sir J.
Elliott, hon. J. E.
Ellice, A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.

Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Grattan, H.
Grattan, J.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord D. G.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, Sir G.
Heathcote, G. J.
Hector, C J.
Heneage, E.
Heron, Sir. R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hutchins, E. J.
Hutt, W.
Hutton, R.
Ingham, R.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Visct.
Mildmay, P. St. J.
Milton, Viscount
Molesworth, Sir W.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spenser, hon. F.
Standish, hon. C.
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Tavistock, Marquis of
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Steuart, R.

Paired off.

FOR.	AGAINST.
A'Court, Captain	Andover, Lord
Brownrigg, J. S.	Duncan, Lord
Bethell, R.	White, L.
Burrell, C. M.	Hurst, R.
Campbell, Sir H. H. P.	Walker, C. A.
Canning, rt. hon. Sir S.	Maher. J.
Cole, hon. A.	White, S.
Copeland, Alderman	Gisborne, T.
Egerton, Lord F.	Fazakerley, J. N.
Foley, E. J.	Davies, Colonel
Farrand, R.	Crawley, S.
Hayes, Sir E.	Martin, T.
Holmes, hon. W. A.	Duncombe, T. S.
Jones, W.	Ferguson, Sir R. C.
Johnstone, H.	Sharpe, General
Kelburne, Lord	Ferguson, R.
O'Neil, hon. General	Bryan, Major
Stewart, J.	White, H.
Trevor, hon. G. R.	Colquhoun, Sir J.

Absent.

CONSERVATIVES.

Baring, hon. W. B.
Burr, D. H.
Coote, Sir C.
Estcourt, T. G. B,
Howard, hon. W.
Ker, D.
Lowther, Lord*
Master, T.
Damer, hon. G. D

MINSTERIALISTS.

Benett, J.	Goring, H. D.
Fitzgibbon, hon. R.	Jervis, S.
Grote, G.	Johnson, General
Howard, Sir R.	Moreton, hon. A,

HOUSE OF LORDS,

Monday, February 3, 1840.

MINUTES.] Petitions presented. By Viscount Duncannon, from Derby, for the Immediate and total Repeal of the Corn-laws.—By the Marquess of Bute, from Rothsay, and Paisley, for an Alteration in the Laws of Church Property in Scotland.

PRINCE ALBERT'S NATURALIZATION BILL.] Viscount *Melbourne*, in rising to move the committal of the bill, for the naturalization of Prince Albert, was anxious to address a few words to their Lordships. He was anxious that the bill should pass with all possible speed, and with as little opposition and discussion as possible, but from his communications he was so fearful of commencing an argument on this subject, that he had determined to leave out all relating to the precedence of Prince Albert, and to reduce the bill to that which the noble Duke had said he had imagined it to be, a simple naturalization bill, leaving the question of precedence to be settled at some other time.

Lord *Brougham* had previously risen, not for the purpose of interrupting his noble Friend, but merely to ask, whether what he were about to state would be likely to lead to a debate, because he had some petitions of the utmost importance to present, as they affected the liberty of the subject; but he found his noble Friend had most judiciously taken the course he had intimated, and therefore it mattered not whether the petitions were presented before or after. He wished to ask his noble Friend, whether he intended to content himself with giving up this point altogether, or whether he intended merely to postpone it. He also wished to know, whether there was any intention to take advantage of the doubtful state of the common law on this subject, and to attempt to accomplish this object by the exercise of the prerogative, without bringing the matter before Parliament. It was exceedingly desirable, that the matter should be settled by enactment, as then the judgment of Parliament could be obtained on the subject, as the common law on the subject of the exercise of the prerogative, as party precedence was full of doubt and obscurity.

Bill went into Committee. On the precedence clause being proposed.

Lord *Brougham* said, that as no precedence had been settled for the illustrious person in question by Act of Parliament, he wished to know if it was the intention to take advantage of the doubtful state of the law on the subject to exercise the prerogative of the Crown, as he conceived that would be a course full of difficulty.

Viscount *Melbourne.*—Nothing has as yet been determined.

The Marquess of *Londonderry* said, that unfortunately he had been the person who had first brought the subject forward, but he thought, that as the question had been brought forward, something ought to be done for the satisfaction of the House and the country. He was certain, that such was the feeling entertained throughout this country towards the illustrious personage on the Throne, that every one would be always ready to grant precedence to her husband, but when the noble Viscount had stated, that the plan proposed had met with the acquiescence of certain other illustrious personages, he thought it was but right, that such acquiescence should have been entered on the Journals of the House.

The Bill went through Committee.

Report brought up, Bill read a third time and passed.

FROST, WILLIAMS, AND JONES.]—Lord *Brougham* said, that a petition had just been thrust into his hands on a subject of great importance, and to which he begged earnestly to crave the best attention of the House. It was from certain inhabitants of the cities of London and Westminster, and was numerously signed by many respectable persons, tradesmen and others, who felt a deep interest in the subject matter of the petition. He would best discharge the duty with which he had been honoured, if he stated to their Lordships, in the petitioners' own words, their prayer, and the prefatory statement of facts to that prayer, which were comprised within a few lines. After having set forth the conviction of three persons — viz. Frost, Williams, and Jones, now prisoners in Monmouth gaol, they stated that a majority of the judges who had tried the prisoners had declared that the legal objection taken to the trial had been good and sufficient, and duly urged—not touching the question of time, on which a majority of the Judges held a difference of opinion from the majority who had decided that it was duly urged—that a majority of the fifteen Judges had decided that the objection to the trial was a good and sufficient one—that three several juries had recommended the prisoners to mercy, and that upwards of 200,000 persons had petitioned the Crown for their pardon. They, therefore, pray the House to address the Crown, in order that the said prisoners may be discharged from custody. He never, in his lifetime, remembered a greater interest being excited on any matter connected with judicial proceedings than had been throughout the whole country on this unhappy question—unhappy in all its bearings, but most unhappy in the errors which had had given rise to the objection which had lately been decided by the Judges of the land. It was deeply to be deplored, from the bad spirit which appeared to pervade some classes of the subject of this realm, but more deeply to be deplored from the ignorance pervading other classes, which made them the tools of designing men—deeply to be deplored from the grounds which gave rise to the objection—the errors which seem to pervade the whole prosecution, and which, in the present instance would prevent the law from being executed, and criminal justice almost entirely defeated. As a Member of the highest Court known to the law—as a Member of Parliament—he felt himself imperatively called upon to watch closely the proceedings of the Executive Government relative to the administration of justice. Before he proceeded to advert to the error which most unfortunately had been committed, and which seemed to prevail throughout the proceedings, he felt bound to state that a part only of the proceedings was stated in the petition. It was true that a majority of nine of the Judges of the land had held that the objection taken at Monmouth, but not there decided, was a valid one—but it was not stated that a similar majority of nine of these learned Judges had held that that objection had not been taken in proper time. Upon the validity of that objection he would give no opinion—He had no right to state that his opinion went with the minority of those learned personages—he would not be, as some other persons had been, presumptuous enough to say that the Judges had decided wrong. If there was any one more than another from whom it was imperatively demanded that he should respect the law and the Judges, it was from statesmen and Members of the Legislature, and men who, because they are law-makers, should not be proverbially known to be law-breakers. If there was any thing more imperatively demanded from them than another, it was that they should uphold the Judges, and do their best to inculcate veneration towards them from the people, and not cavil at them in order to ruin them in public estimation. He could assure their Lordships, that they would look in vain for respect for the laws if they ceased to make men respect the organs and authorities of the law—they would in vain call upon him to respect those oracles of the law if they ever so far forgot their bounden duty as to cavil at, misrepresent, and to slander those Judges when they happened, for purposes of their own and motives of their own, to dissent from the solemn opinion delivered by the Judges upon their solemn oaths; therefore it was, that whatever his private individual opinion might be, the law having been expounded, he had a right to hold no opinion at all, when those, the venerable organs and oracles of the law, had determined what it was. But there was a difference of opinion on the point, and out of that arose, among those most learned Judges, an intimation of a desire that the objection taken by the learned Gentlemen, the able counsel for those unhappy men, should not be pressed for the decision. They were induced to accede to that recommendation not from any doubt of the validity of their objection—that he knew; not from any fear that the objection was doubtful—that he knew; not because in point of fact, or rather of law, that the objection was not valid—and he had a right now to say so, because the Judges of England had determined that the objection was valid; but they were induced, in the exercise of a most delicate and anxious discretion—more anxious than most of their Lordships, who had never defended men on trial for their lives, he would take the liberty of saying were capable of forming any conception of, to reserve that point for the consideration of all the Judges. Nevertheless, he had known unprofessional men to criticise and canvass the discretion of men so situated, and which appeared to him almost as bad as any thing of the kind could be. He did not complain of the conduct of the learned and able counsel, but it appears they did, in the exercise of a most delicate and difficult discretion, agree to postpone arguing the objection upon the distinct statement made to them, that they and their clients should be put upon the self-same footing after the objection was decided, if the other Judges decided in their favour, as they would have stood if the objection had been decided in the country. Since then the objection had been decided. That understanding, as he was authorized to state, most distinctly was, that they were to be put upon the same footing, provided the objection was sustained and approved of by a majority of the Judges, as if the majority of the Judges at the trial being pressed for the decision, had decided in favour of the prisoners. If the majority of the Judges at the trial had decided, upon being pressed for their decision, they must needs have instantly been acquitted. It was an objection fatal to the whole proceeding—it applied to every one of the witnesses. The Jury were empannelled—the plea had been pleaded—nay, more than that, again they could not have been tried. That was the first and principal ground he wished their Lordships to consider, and the other was altogether independent of the former. The counsel for the prisoner had a right to press for judgment at the trial, and it now turned out, because they knew what the Judges had done—it turned out, too, that two out of those three Judges were in favour of the objection made at the trial, and of the party waiving the objection until after arraignment, and plea pleaded. It consequently followed as a matter of absolute demonstration, that if they had exercised their right of pressing the objection at the trial at Monmouth—it consequently followed as a certainty, that the objection would have been sustained, and the trial at once put an end to. He (Lord Brougham) knew, in point of fact, that that was not an opinion taken up after the arguments in town, but it was their opinion at Monmouth, at the trial. A stronger case—but infinitely strengthened by the bargain made with the counsel—a stronger case for absolute acquittal, in the whole course of his professional experience, he confessed he had never known. He had stated to their Lordships that he should add one word explanatory of his regret at what had taken place. He repeated that it was deeply to be lamented upon such an important question, that criminal justice should have been so defeated. Whose the fault might have been he did not stop to inquire; but it was due to a most experienced, able, and excellent officer of the Crown, that he should add, that his learned Friend, Mr. Maule, the Secretary for the Treasury.—[*A noble Lord*—The Solicitor for the Treasury.] He begged pardon, it was the Solicitor for the Treasury he meant to express his commendation of. He was a gentleman who had served under various Governments without being offensive to any, and with the good will of most. In this case he had not served the list of the witnesses at the same time with the copy of the indictment. This was an omission which was easily accounted for: no doubt it was done in the hurry of business, and without reflection. But the nature of the objection was such, that if it had been taken at the proper time, there would only have been a postponement of the trial. The counsel for the accused had a right to take the objection at the time which would best serve the interest of his client. But what if the prosecutor was aware of the irregularity? It was stated before the fifteen Judges, that Mr. Maule was quite aware of it—that the counsel for the prosecution was aware of it. In fact, the Judges were aware, before they went down on the Commission, that the objection would be taken, and they went with the expectation that they should have to come back for a month. They never dreamed that for the purpose of keeping Members of Parliament four weeks longer in the country, the risk would be run of allowing justice to be defeated. However, a great error of judgment had been committed, which must lead to a complete defeasance of the criminal law in this case. He had several other petitions to present to their Lordships, and he thought it necessary, indeed it was his duty to inform them that numbers of his countrymen had done him the honour of sending him addresses, begging him to exert his influence in favour of those persons, and they had also done him the honour of sending him addresses to forward to the fountain of mercy, which he had done. He believed he might say that he had presented petitions to the Queen upon this subject to the amount of about 100—one of them signed by 54,000, another by upwards of 40,000, and another signed by upwards of 20,000. All this showed there was an understatement in the petition, which estimated the number at 200,000. He considered, looking at the circumstances of the case, that these unfortunate individuals were entitled to a total release, an extension of mercy it could not be called, because he conceived that a total release was a legal right and justice. The addresses that were presented to the Crown, proceeded on three different grounds. One class prayed the extension of mercy upon the special circumstances of the case—another upon the illegality, or as some called it the inexpediency, and others the unlawfulness of the conviction; and the last proceeded upon a view of the evidence that the matter had not been rightly decided upon by the judge and jury. With the first ground he agreed, but he differed from the second, and he felt convinced that he should have the unanimous concurrence of that House, as a Court of Judicature, when he stated the objection which he had to the second and third grounds. He was against all capital punishment for trifling offences, and even for great offences, where the public feeling was against them. He had assisted their Lordships in putting an end to capital punishment in cases of larceny and forgery. But there were cases of an atrocious nature—murder and high treason—in which he considered it necessary that life should be taken away. It was for the purpose of preserving life that he would take it away—it was sacrificing one life in order to preserve many, and therefore he did not agree with those who said, that in no case ought there to be an exception to the rule of abolishing all capital punishments. But upon the third point there could not be any doubt. It was absolutely necessary for the administration of justice, that every investigation should be carried on, firmly and deliberately; and he held it to be an intolerable presumption in any class of men, be they ever so powerful, or ever so numerous, to sit in judgment upon a jury, and to say, had we, who have read the evidence in a newspaper, been in the jury-box, we would have arrived at a different conclusion from them—from the twelve men who, on their oaths, with the assistance of an experienced and enlightened judge, and with the incalculable benefit of having seen and heard every witness give his testimony upon his oath. He held it to be intolerable to object to the verdict of a jury, directed by a judge, who had heard the whole of the arguments. He should have given an imperfect opinion if he had confined his observations to one point; and he was bound to say, that he had never put the case before one deputation without finding that a calm statement of his objections had their weight. He trusted, therefore, that in consideration of the extraordinary importance of this matter, touching neither more nor less than the interference of the people with the administration of justice, their Lordships would excuse him for having detained them so long in stating an opinion which he believed was the unanimous opinion of all whom he then addressed. He cared not, the matter might be misrepresented elsewhere. He set a due value on popular opinion and excitement where he thought it was applicable—in cases of expediency, of right and interest to the public, in which the people were entitled to judge, but not in questions touching the administration of justice by sworn judges and sworn juries. He would, therefore, after having troubled them so long, present those petitions, which were all of the same nature, to the House.

The Marquess of *Normanby* said, that their Lordships would readily suppose, that if he arose merely for the purpose of offering his individual opinion upon a subject of that nature, in opposition to that urged by his noble and learned Friend, with so much force and with all the authority of his name, he should do so with the greatest hesitation. But he had had an opportunity of appealing on the question to that party to whom his noble and learned Friend had alluded in the course of his address—he had had an opportunity of referring to the learned judges who had given on the matter their deliberate decision. He should be able to refer to that decision, not only in general terms, and in a manner which might be supposed a loose one, but as his noble Friend, in the course of the afternoon, had communicated to him his intention of presenting a petition upon the subject, he had referred to the judge who had presided at the commission at Monmouth, and he obtained his permission to give the House the substance of those communications which had passed between that learned person and other parties on the occasion. But before he would urge on their Lordships', with all the weight due to that authority, that they should not listen to the prayer of those petititioners, he would say a few words on that to which his noble and learned Friend had alluded, viz., the unfortunate conduct of the parties who had "conducted the trial." His noble and learned Friend stated, that he knew not where the blame of the proceeding rested, and he had afterwards alluded to a person for whom he entertained the highest respect, he meant the person who had prepared that prosecution, and on whom, no doubt, it was intended to make the blame rest. He would say on behalf of Government, that it was impossible for Government to trust the prosecution to any other than to the learned Gentleman who had conducted for so many years, and for so many Administrations, public prosecutions of a similar nature. As to the time at which the objection should have been taken, all he could say was, that those who had been trusted with the conducting of the case were convinced, that that objection of itself could be of no force or weight. So much for that unfortunate error, which, from a person of all the experience and character of the hon. and learned Gentleman, must be considered as such, and which he most deeply regretted, but which did not operate with any degree of hardship upon the prisoner, but was occasioned by the desire to furnish him with some information, which it was thought he ought to have on the first opportunity; and let the result of the objection be what it might, it was not complained the parties had suffered any substantial injury from the conduct of the prosecution. All that was urged by his noble and learned Friend, was urged upon the day after the decision of the judges by those two Gentlemen, with intense anxiety, and they stated verbally, that the very objection now made was considered valid by two of the learned judges who presided at the Special Commission at the time, and urged that it ought to have been decided at Monmouth. He informed Sir F. Pollock and Mr. Kelly, that he was anxious to receive any representation they chose to make on the subject, and should feel it his duty on receiving such, to refer it to those learned persons whose conduct was involved in the representation they made. He told them at that time the substance of the communication with the learned judges, as far as he was at liberty to do so. He would now read to their Lordships the communication received from the Lord Chief Justice on the decision of the judges on that occasion:—

"Westminster Hall, 28th January, 1840.

"My Lord—I have the honour to inform your Lordship, that the argument upon the three cases of the Queen *v.* Frost, the Queen *v.* Williams, and the Queen *v.* Jones, closed this afternoon, and that the judges, after considering the subject, have come to the following determination upon the two questions which have been argued before them viz.:

"First—A majority of the judges, in the proportion of nine to six, are of opinion, that the delivery of the list of witnesses was not a good delivery in point of law.

"But secondly—A majority of the judges, in the proportion of nine to six, are of opinion, that the objection to the delivery of the list of witnesses was not taken in due time.

"All the judges agreed, that if the objection had been made in due time, the effect of it would have been the postponement of the trial, in order to give time for a proper delivery of the list.

"The result, therefore, of the determination of the judges, is, that the conviction is right.

"I will have the honour of calling on your Lordship to-morrow at the rising of the Court, if I should receive any intimation to that effect.

"I have the honour to remain my Lord, your Lordship's obedient and faithful servant,

"N. C. Tindal."

"The Lord Marquess of Normanby, &c."

The result, therefore, of the determination of the judges was, that the conviction was right. He stated that communication to Sir Frederick Pollock and Mr. Kelly. They on that occasion used, he believed, the word "bargain;" that was one of the points to which he immediately directed the attention of Chief Justice Tindal, who distinctly denied that anything of the nature of a bargain had taken place. He would only say, that Sir Frederick Pollock and Mr. Kelly were in complete misunderstanding as to the nature of the point on which the judges were then deciding, but that he never saw two gentlemen more convinced that they were really right in their recollection. They, in accordance with his recommendation, forwarded to him a memorial of considerable length, on the understanding that it should be referred to the judges. Both this memorial and the reported account by the short-hand writer, he had forwarded to the Chief Justice. He would read that part of the memorial which seemed to bear on the point. [The noble Marquess then read several portions of the memorial. It set forth, that in the course of the discussion, two of the judges appeared to hold a favourable opinion of the objection, and seemed inclined at once to pronounce in its favour, but that towards the close of the Court, at six o'clock, the Lord Chief Justice said, that he would reserve the point; that upon this the prisoner, John Frost, would not allow them, his counsel, to interfere further in his defence; that a consultation was held with him in the prison that night, and he consented at last to yield and go on with his defence; that in Court next day a conversation took place between Sir Frederick Pollock and the Lord Chief Justice, to the effect that the prisoner should be precisely in the same situation as if the point had been decided at the time of the trial.] All their Lordships would have read the report of the trial. He had read it with intense interest, as he had not before heard of the objection which was raised. He had read it in the public papers, the report of which turned out to be very accurate, and he had never heard till within the last few days that it was supposed, that the point would be decided according to the opinion of two of the judges, if referred ultimately to all the fifteen judges. The impression upon his mind from the report was, that if the point reserved should be decided in favour of the prisoner, that the conviction should stand for nothing; that the prisoners would be exempted from all pains and penalties whatever. Having forwarded the memorial to the Chief Justice, he consulted with the other two judges, and he would read to their Lordships, the substance of a letter from them on this point. [Lord *Lyndhurst:* read the whole of the letter.] No, the first sentence did not refer to the point, and it would be of no use to read it. He had certainly the permission of the learned judge to read the whole communication, but he would only read that portion which was applicable to the point. He would begin with the second sentence:—

"As to the law, the uniform practice has been, so far back as we have any means of knowledge, that if the judge upon the trial of an indictment feels any serious doubt as to an objection that occurs in point of law, he decides the point against the prisoner, and allows the trial to proceed, reserving such point of law, in order that he may take the advice and opinion of all the other judges thereon. After consulting them, and hearing argument thereon (if thought necessary), the opinion of the judges is taken, and that of the majority binds the judge who has reserved the question. If that opinion should be against the prisoner, the law is suffered to take its course, and the sentence which has been passed remains. If the opinion of the judges is in favour of the prisoner, the constant course is for the judge who tried the prisoner, and passed the sentence, to apply to the Secretary of State for a free pardon. And this course in no way depends on any consent, express or implied, on the part of the prisoner; the judge pursues it at his own discretion, and decides the point for the present against the prisoner, giving him the benefit of further consideration and advice with the other judges. And this course is pursued for the manifest purpose of preventing a failure of justice, inasmuch as if the judge decided under his immediate impression, supposing it to be in favour of the prisoner, and directed an acquittal, there could be no new trial, although upon reference to the other judges, his own opinion was held to be wrong. On the other hand, if the opinion of the judge is at the time unfavourable to the prisoner, it can be reserved by that course, and if erroneous set right.

"With respect to the statement in the memorial of what took place at the trial, so far as relates to ourselves, we cannot but remark, that the learned Counsel labour under a complete misapprehension, at which we are the more surprised, as we expressly stated, that no distinction would be made between this and other cases tried at the assizes, but that it must follow the ordinary course.

"At the time of the discussion we all of us entertained serious doubts, more or less strong, on the objection that was raised before us. And if the law had obliged us to come to an immediate and final decision, without the power of consulting the judges, which the law does not, we were not prepared, without much further consideration, nor without hearing the arguments on the part of the Crown concluded, to come to any determination on the point. We therefore followed the ordinary course pursued on similar occasions, decided the point against the prisoner by allowing the trial to proceed, subject to the revision before referred to.

"We beg to inform your Lordship, that we think the circumstance stated and relied on in the memorial, viz., that two of the judges under the Special Commission, ultimately declared their opinion in favour of the objection, does in our judgment make no difference whatever; nor do we think, that any inclination in their minds at the time of the trial ought to affect the question; the law is taken from the majority of the judges when consulted.

"Under the circumstances above mentioned, we beg leave to represent to your Lordship, that in our opinion there is no ground whatever to entitle the prisoner, John Frost, to a free pardon. "N. C. Tindal.
"J. Parke
"J. Williams.

"To the Most Noble the Marquess of Normanby," &c.

The learned counsel had, therefore, laboured under misapprehension on the point, and he was surprised at it, because the Lord Chief Justice had stated, that this case would be treated on the same principles as all the cases heard at assizes. If the law had compelled them to come to a decision which it did not—and the arguments by the learned counsel did not in this point meet the views of law entertained by the learned judges—they could not have been prepared, without hearing the argument, to come to a conclusion. They had followed the ordinary course. The fact that, two of the judges on the commission had subsequently expressed their opinion in favour of the objection, made no difference. Under these circumstances, there was no ground which entitled the prisoners to a free pardon. He would presently state what effect the communications which had passed, had in the determination to which the Government arrived. He would first, however, read the short-hand writer's note, on that part of the case which had been called a bargain. It was the answer of the Chief Justice to a case cited by Sir F. Pollock. The Lord Chief Justice says:—

> "I do not know anything about that case; I have explained the position in which the prisoner will stand, if the point should be decided by the judges in his favour. It will be precisely the same as if we had never so decided it."

Then Mr. Baron Parke says,

> "If there is a conviction, and the judges are of opinion that the objection is well-founded, a pardon will be issued at the recommendation of the Secretary of State, as a matter of course."

Mr. Justice Williams made a remark, also, which showed his opinion not to be at variance with the other judges. He says,

> "With precisely the same consequences that follow in other cases of the same kind."

The impression on the mind of every one was, that if the point were decided in favour of the prisoner by a majority of the fifteen judges, he would not suffer any of the consequences of a conviction. The judges were of opinion, that the conviction was legal, and the Administration were of opinion, that the prisoners had sustained no substantial injustice; but concerning the question whether the extreme penalty of the law should be carried into effect, they were glad to consider that all this difference of opinion opened the door for the exercise of mercy; but he would take this opportunity of stating, that that consideration, and that consideration alone, forced them to such a conclusion. If it had not been for this difference of opinion, and if this difference of opinion had not thrown doubts and difficulties in their way, he had no hesitation in stating in the face of their Lordships, that lives would never have been more justly forfeited. And he had also no hesitation in stating, looking at the atrocity of the crime committed, the character of the persons who were the offenders, the number of the weak and misguided whom they had misled, and the vicious and criminal designs which had exhibited themselves in other parts of the country, that but for this difference of opinion, it would have been the duty of the Government—its painful duty—to have overlooked all recommendation to mercy, and to have permitted the law to take its course. It was necessary for him to explain why the prayer of the petition should not be acted upon. He had stated his reasons in which he entirely agreed with the learned judges who had tried the case. The Administration had thought it their duty to save the lives of the prisoners, but the justice of the case would not be met, save by inflicting the extreme secondary sentence of the law, and by commuting the punishment of death into transportation for life.

Lord *Wynford* was understood to say that he entirely agreed with the noble Marquess in the view of the case which he had so distinctly laid down. In the course of his experience he had never heard it doubted that every point was finally settled by a majority of the fifteen Judges, for whose opinion it had been reserved. As to the doctrine that the prisoner was entitled to his pardon because two of the Judges on the special commission were in favour of his objection, how, he would ask, was it known that such were the opinions of those learned Judges? It had not been, and could not be officially announced; and was a pardon to be granted on the reports of newspapers? He was of opinion that the prisoners ought not to receive a free pardon. If they did not carry the punishment into effect, it would be giving encouragement to traitors, and Chartism would prevail more than ever. He was glad that the lives of the prisoners had been saved, but justice demanded that they should receive some punishment. He quite approved of the course pursued by the noble Marquess.

Lord *Brougham* wished to explain a few of his remarks which had been referred to by his noble Friend the Marquess of Normanby. He had not thrown the blame of the proceeding on Mr. Maule, who was only to blame in the first step, and this step might easily have been cured by going again to Monmouth four weeks afterwards. No blame as to the ultimate consequences could rest upon him. Not Mr. Maule, but the Crown counsel were to blame, and they were to blame for pronouncing that there was nothing in an objection in which a majority of the learned Judges said that there was a great deal. His argument, as to the two Judges out of the three, had been misunderstood; and as to the word "bargain," he only used that word for shortness. It was always lamentable when counsel and Judges disagreed. Now, the case was this. It was said that no party could compel by pressure any learned Judge to give his decision. He had never heard, in the course of his long professional experience, a case where a party having insisted on a decision, the Judge did not decide; and the most frightful consequences would ensue if they did not. He would suppose a case. Suppose an infamous charge to be brought against any one, and that an objection was raised—not a mere formal legal objection, but one which went to the very bottom, which involved the whole criminality of the case—was he to be told that he must wait until the fifteen Judges had assembled in London, and their opinion on the point taken? "No," such a man could say, "I have confidence in my objection, and I call upon you to decide by law. I will not consent to be convicted, to be branded, to be stigmatised, to pass through life with the stigma of conviction upon me, when that stigma ought at once to be wiped off, even though I may be pardoned afterwards." Pardoned, forsooth, where no guilt had been committed—where innocence had always breathed. This might be the case where the point was doubtful, but suppose that two out of the three Judges had no doubt? Suppose that the prisoners demanded the decision, and the Judges gave it, they must have been instantly acquitted—no proceedings could have been entered into—no trial could have begun. But it had been said, that they had not reason to know what were the opinions of the Judges. The experiment had been tried, and their opinions were known; and if they had by accident—he wished to put it on no surer, no higher ground—given their decision at the trial, these men must have been as safe as if they had never been tried, arraigned, indicted, convicted, or even committed the offence.

The *Lord Chancellor* wished to say a few words on the question which had been raised by his noble and learned Friend (Brougham), whether a prisoner or his counsel had the choice of reserving a point for the decision of the fifteen Judges, or whether, if insisted upon, it was the duty of the Judges at once to decide. He believed that counsel had no power to demand a decision to be given at the time. Where a question arose on a trial in which the Judge or Judges entertained some doubt, the course which had always been adopted, was to pronounce a decision against the objection, reserving to themselves the power of obtaining the opinion of their brethren. The authority of the learned Judges—which his noble and learned Friend would not question, and which no one else could—had been very properly brought forward—and that set the question entirely at rest. As to the correctness of their opinions, there was no doubt in his mind; and what would be the consequences if such were not the case? It would render the opinion of the body of the Judges utterly useless. For what purpose could reference be made to the opinion of the fifteen Judges, if the previously formed opinion of those who presided at the trial was to be acted upon? He would suppose a case which had really occurred—the present case. Suppose that two out of the three Judges who presided were in favour of the validity of the objection, or were to come to that conclusion, or that counsel compelled them to decide; the course always, as far as he knew, was to decide against the objection, and the trial was always allowed to proceed. The opinion of the fifteen Judges had been taken, and that opinion was that the objection ought not then to have prevailed. Now, if the prisoner was entitled to have a pardon, what was done? At any rate this absurdity was perpetrated—that the majority of the Judges whose opinions were expressly sought, were rendered useless and treated as nothing, and the opinion of the two Judges originally present prevailed. By doing that, was it not rendering it utterly absurd to refer to the Judges at all? Why, then, under such circumstances, the decision might as well be given at once, for having asked and having obtained the opinion of the whole bench, to that opinion no deference was paid. If that course were adopted, no attention would be paid to the unanimous opinion of the Judges, save of those who were on the trial. He objected to any such a conclusion, which he thought unreasonable and absurd. It was not according to the course of practice, and it would lead to consequences which must prevent the due and efficient administration of justice. Unless a disputed point was reserved for the opinion of all the Judges, the only good gained was giving the prisoner the benefit of an error. He trusted that their Lordships would not form an opinion contrary to the opinion of the Judges.

Lord *Brougham* then presented the other petitions, and said that he would rest his case upon this issue. Two of the Judges out of the three had been in favour of the objection, and if the point had been decided at the time of the trial, the prisoners must have been acquitted. If it were denied that such was the case, and two of the Judges were in favour of the objection, he would, under such a circumstance, withdraw his prayer.

Petitions laid upon the table.

SOCIALISM.] The Duke of *Wellington* said—My Lords, in presenting some petitions from the clergy of Southampton and several of the neighbouring parishes against the system of Socialism, I will take the liberty of stating to your Lordships the conduct I have thought it my duty to pursue with respect to that system in the county with which I am particularly connected. I have thought it my duty to recommend to the magistrates of the parishes where these Socialists have introduced their system, to watch narrowly the proceedings of these institutions, to take official cognizance of them, and, if they are guilty of any breach of the peace or the law, to proceed against them as the law permits. I think it to be the duty of the Lord-lieutenant and proprietors of counties to take their part in such proceedings, and I hope that her Majesty's Government will approve of what I have done on this subject, and that it will have a beneficial effect in other parts of the country, and place an effectual check on such mischievous doctrines.

The Marquess of *Normanby* said, that he would take that occasion of observing, that nothing could be more judicious than the suggestions which had been thrown out by the noble Duke respecting these dangerous doctrines, viz., that the magistrates and clergy should be recommended to advise the people living in their respective neighbourhoods, to keep a careful watch over their servants and those under the sphere of their influence upon the subject. For his own part he could only say, that he should be most happy at any time to pay every attention to any suggestions or communications which the noble Duke might think proper to make to him, respecting the means of averting the mischiefs naturally arising from the spread of these principles.

Petition laid on the table.

MINORCA.] The Earl of *Colchester* said, that having given notice of a motion for an address to the crown, for copies of any correspondence between her Majesty's Government and the French or Spanish Governments relative to the occupation of any part of the Island of Minorca by the French Government, he wished to trouble their Lordships with a few sentences to explain his reasons for giving that notice, and also the course which he now intended to pursue on the subject. The history of the Island of Minorca had been, for the last century, mixed up with the history of this country. From its position, standing almost midway between the coast of France on the one hand, and the coast of Africa on the other, and also possessing one of the finest harbours for trade in that part of the world, it was a station of great political importance to whatever country possessed it, and on that account it had been made the subject of military contest at various times. Formerly, while the coast of France belonged to the Sovereign of that country, and the opposite coast of Africa to the Dey of Algiers, the island of Minorca was the most important position between Europe and Africa. But now, when both coasts were in the possession of France, Minorca being a connecting link half-way between, and having a most important naval arsenal at Port Mahon, it would give to France the power of commanding the whole eastern trade of the Mediterranean. He had felt it necessary to give notice of a motion for those papers in order to show of what serious consequences would be any attempt on the part of France to effect the occupation of Minorca, so as to put her in military possession of the island, either at present or hereafter; but as he had since understood from the noble Viscount at the head of the

Government, that some of the papers could not be given without inconvenience to the Government, and that he should be prepared to lay the other papers before the House, he begged permission to withdraw his motion for the present.

Motion withdrawn.

HOUSE OF COMMONS,

Monday, *February* 3, 1840.

Minutes.] Bill. Read a first and second time:—Prince Albert's Naturalization.

Petitions presented. By Mr. Compton, from two places, against, and by Mr. Wilbraham, from Chester, Sir H. Fleetwood, from Preston, and Mr. Ainsworth, from Bolton, for an Inquiry into the Doctrines of Socialism.—By Sir William Somerville, Lord Clements, and Messrs. O'Connell, M. J. O'Connell, D. Browne, Somers, and Barry, from a very great number of places, for an Extension of the Franchise, and Corporate Reform for Ireland.—By Mr. Villiers, and Mr. A. White, from Yorkshire, and Sunderland, for the Immediate and Total Abolition of the Corn-laws.—By Messrs. Baines, Ewart, and W. Cooper, from several places, for the Abolition of Church Rates, and the Liberation of John Thorogood.—By Sir W. Follett, Mr. F. Shaw, Lord Granville Somerset, Mr. De Horsey, and Sir E. Knatchbull, from a great number of places, for Church Extension.

Trial of Elections. — Exemption of Members.] The *Speaker* said—I beg to lay before the House my first warrant for the appointment of an election committee under the new Act.

The warrant was read by the clerk, and was as follows:—

"Pursuant to an Act passed in the 2d and 3d of her present Majesty, for the amendment of the jurisdiction for the trial of controverted elections, I hereby appoint Thomas Greene, Wm. Milnes, the O'Conor Don, W. Orde, E. Strutt, and J. Young, Esqrs., the members of the general committee for the trial of disputed elections during the present session.

"C S. Lefevre, Speaker."

Sir *R. Peel* wished to ask, if any of the Members for whom leave of absence had been obtained should hereafter appear in the House, before the period of leave had expired, whether they would not then be liable to serve on committees?

Lord *J. Russell* said, that was the rule of the House. Leave of absence expired when they re-appeared.

The Speaker then proceeded to read the names of the Members, according to the provision of the new Act for the trial of controverted elections, in order that Members exempt from serving upon election committees should state their ground of exemption upon their names being called.

The *Attorney-General*, on his name being called, said he was sorry to be under the necessity of claiming exemption upon the ground of the pressure of his public duties. He would be most willing to take his part in the labours of the House, but he could declare conscientiously that he could not sit upon election committees without neglecting the duties of his office.

Lord *J. Russell* moved that Sir John Campbell be excused from serving upon election committees.

Sir *G. Clerk* begged to ask whether the excuse required was to be a permanent one in the case of the Attorney-general? As, if so, it would of course become a precedent for excusing every person holding the same office. Or was it on account of some peculiar or temporary pressure of public business the Attorney-general desired to be excused? If that was the case a limited time ought to be stated.

Mr. *Greene* thought that it would be a more convenient course if, at present, the names of hon. Members claiming exemption should only be set down, and that the objection should be taken to-morrow.

Sir *G. Clerk* said the Act was imperative, and the exemption must be decided upon at once.

Sir *E. Sugden* thought this question one of great importance. He admitted, that the business of the Attorney-general might be a sufficient excuse for his not serving on committees. But there were many Members of that House who were practising at the bar, and if the Attorney-General employed in his private practice, the time which they were compelled to devote to the business of the House, that would give him an unfair advantage over them. His hon. Friend the Attorney-general had an opportunity of stating his objections to this bill whilst it was in preparation; and it had been suggested that Gentlemen practising at the bar should be exempted. But the Attorney-general was of opinion that they had no peculiar claims to be excused. It was his impression that if the House compelled practising barristers to attend upon election committees they would find it impossible to attend to their business at the bar, and the result would be that the Courts would not be able to sit. It might be said, that other barristers might be found who would do their duty in their absence, but he (Sir E. Sugden) thought there would be a great difficulty on that point. It would, therefore, be an advantage, not to the bar, but to the public generally, to excuse members of the bar altogether. If they were forced to sit on committees, it would be the means of excluding them altogether from being Members of that House. He thought there ought to be either a general exemption of the whole bar, or no exemption at all.

Sir *R. Peel:* I am decidedly opposed to exempting the Gentlemen of the bar from sitting on committees. If we compelled Gentlemen of the bar to become Members of this House, I should then undoubtedly feel greatly disposed to grant them an exemption; but as they have the option of coming into the House or staying out of it as they please, I think they are bound to serve on committees as well as other Members. I believe it will be very easy to find other Gentlemen of the bar to supply in the Courts the places of those engaged upon committees. With respect to the present case, I am very sorry for the necessity that causes the application to be made; but I cannot consent to the understanding that the Attorney-general is always to be exempt, and, therefore, if the exemption is granted on the present occasion, I submit that the special grounds that render it necessary should be stated, and that when those grounds cease, the exemption should also cease, and that the Attorney-general be then called upon to serve. I should be sorry to establish the precedent under which future Attorney-generals should be excused; and my support of the present motion must, therefore, depend on the specific grounds stated, being, in my mind, sufficient to warrant the exemption.

The *Attorney-General* said, he solely asked the favour on account of the peculiarity of his present circumstances, and he did not ask it for the whole session, but if the House would grant it until Easter he should be satisfied.

Lord *J. Russell* moved, that the Attorney-general be excused until Easter.

Sir *R. Peel:* I wish to ask if the leave granted to Members who are at present abroad is to expire on their return to England, should they do so before the leave expires? The Act says, that every Member who shall have leave of absence shall be excused attending during such leave. I think that instead of Lord Francis Egerton having leave of absence granted to him until the 10th of May, it should only be granted until his return to England. Granting leave to Members for a specific time was holding out an inducement to them not to take their seats until the time expired. The period for which leave was granted should be always short; for, if necessary, it could be renewed.

Attorney-general excused until after Easter.

PRIVILEGE—MR. HOWARD.] The messenger of the House appeared at the bar, and read the minutes of his proceedings for the purpose of serving the order of the House upon Mr. Thomas Burton Howard. He stated, that on the 27th of the past month he was furnished with the order of the House of Commons, and proceeded to the residence of Mr. Howard, but did not find him there. Having gained admittance, he was informed by the son of Mr. Howard that his father was absent from town, and on his inquiring where he was to be found, the son informed him that he had gone to Hull upon particular business, and would not return for some time. The messenger stated his business, and announced himself as the officer of the House of Commons, and left the order with the son. He called on the next day and saw Mrs. Howard, but he obtained no satisfactory answer from that lady. On the subsequent day he called again, and requested the son to show him a letter which he said that he had received from his father at Hull, and also to post a letter to his father. To the former request the son acceded, and proceeded to an inner room. After a short delay he returned, and said that he could not find the letter, but gave his father's address at Hull upon a piece of paper. The messenger, before proceeding to Hull, inquired at the coach-office from the clerk to know whether he had upon his books the name of Thomas Burton Howard, when no such name could be found as a passenger to Hull. At length the messenger went to Hull; inquired at the post-office; found no letters addressed to Mr. Howard had been received there; went to the residence of the person with whom, on the representation of the son, his father was said to reside. That person knew nothing whatever of Mr. Thomas Burton Howard. The messenger watched for hours round the house, but could see no one whose description in any way corresponded with that of Mr. Howard. Seeing no chance of finding the object of his search, he returned to town. By some private information he heard that Mr. Howard was residing in the neighbourhood of Kentishtown or Somers-town, whither the messenger proceeded, and having inquired at the Assembly Rooms for a person named Edwards, he was roughly answered by that individual, who told him that all he knew of Mr. Howard was, that he was not in town. His efforts to find Mr. Howard had been perfectly abortive. On being ordered to withdraw,

Lord *John Russell* said, that it was to be understood by the House that the officer should continue to execute the order of the House.

Sir *R. Peel* concurred, stating that the warrant would be still in force, and that the messenger should endeavour to exert himself, and use all possible despatch in the execution of his duty.

Mr. *Hume* said, that the House ought to present an address to her Majesty, praying that her Majesty would be pleased to offer a reward for the apprehension of Mr. Thomas Burton Howard. Since he (Mr. Hume) had entered the House, he found that an attachment had been issued against the sheriffs, in the name of Mr. Thomas Burton Howard, to compel them to pay the money over to Mr. Stockdale, and he had actually seen the warrant for the attachment. It was imperative that the House should come to some definite conclusion upon the subject, in order that they might not become a laughing-stock to the public.

The *Attorney General* said, that he would accede to the proposition, if he were convinced that Mr. Thomas Burton Howard had been evading the authority of the House; but it might turn out that Mr. Howard had not received the order of the House.

Sir *F. Trench* said, that the family of Mr. Howard were evidently trifling with the House. There appeared to be no reason whatever to suppose that Mr. Howard was at Hull.

Sir *R. Inglis* said, that there was no evidence whatever to show that the notice had been served upon the individual for whom it was intended, and before any severe measures were adopted, it was important that proof of the delivery should be previously established.

Viscount *Howick* considered that it was necessary to fix the precise course to be adopted. If he did not mistake, not an order but a warrant from the Speaker had been issued. Though the House did not possess strict legal evidence that the order had been delivered, yet there existed a moral conviction in the minds of every Member of the House that Mr. Howard had been evading the service of the House. It was incumbent upon the House, then, to furnish the messenger with plenary powers to enforce the order; and he felt that the proper course would be to address her Majesty, praying that a reward should be issued for his apprehension.

Lord *John Russell* expressed his concurrence with the suggestion of the noble Lord, provided it were known that Mr. Howard had been endeavouring to evade the order of the House.

Mr. *Wakley* stated, that a short time before, he had been called out to the lobby of the House, and in his official character, as coroner, had been served with a notice, importing to come from Mr. Howard, for attaching the property of the sheriffs. His mind had been made up as to the course he ought and he would adopt, but that resolution he would confine to his own mind for the present until he consulted with his colleague. On Saturday last Mr. Howard had been seen in the streets by a friend of his, and if he was about town, and so active in his office as to send him a notice to attach the property of the sheriffs, surely there could be no difficulty in serving him with the order of the House.

Sir *E. Sugden* wished to know what was the precise course which the hon. Member for Finsbury, as coroner, intended to pursue?

Mr. *Wakley* declined giving an answer until he had consulted with his colleague.

Lord *J. Russell* said, that in his opinion it would be premature then to inquire from the hon. Member for Finsbury the course he meant to pursue. However, he hoped the hon. Member would take no steps in the matter without previously informing the House.

Mr. *Kelly* said, that it would be wrong in the House to pledge itself to any definite course of proceeding until the document was formally laid before it.

Mr. *Goulburn* concurred with his learned Friend, and considered that the House could not be supposed to have any cognizance of the matter until the documents were produced and laid upon the table. Then, and then only, could any steps be taken.

Mr. *Hume* believed, from all that had taken place, that Mr. Howard's object was to evade the notice, and the only question for the House to consider was, whether its orders were to be treated in the manner the order of the House had been treated by Mr. Howard. He was adverse to harshness being resorted to; but he was anxious that the House should not be trifled with, and its order become a laughing-stock. He would, therefore, move, if the House would permit him, "That the Speaker issue his warrant against Mr. Thomas Burton Howard for evading the order of the House."

Sir *E. Sugden* expressed his intention of giving to the motion his decided opposition. Was the evidence sufficient to show that Mr. Howard had evaded the order of the House? The issuing of the warrant would be both oppressive and premature.

Sir *R. Peel* said, that the regular course would be, to have those who gave that information to the messenger on which he had acted, brought to the bar and examined. If in the course of the examination it should appear that Mr. Howard had been in town on Saturday last, then the House would have firm grounds upon which to direct a warrant to be issued.

Sir *R. Inglis* would give his decided opposition to any motion which would operate to bring the wife and the son to give testimony against the husband and the father—and for that reason he trusted that the House would not sanction any such proceeding as would lead to such unnatural conduct.

Mr. *F. French* believed that the object of Mr. Howard was evidently to evade the order, and the object of his wife and son was, to mislead the messenger of the House. For that reason, he saw no reason why the wife and the son should not appear at the bar, to account for their conduct in misleading the messenger, and not to give evidence against Mr. Howard.

The matter dropped.

ESTABLISHMENT OF PRINCE ALBERT.] Sir *R. Inglis* rose, and said he wished to make inquiry of her Majesty's Government respecting the truth of a report which was pretty current, that the whole of the establishment of his Serene Highness Prince Albert had been already framed, and the various officers appointed? Either that report was correct or incorrect. If correct, and it could be stated the arrangements were consistent with the allowance made to his Serene Highness and his own wishes, he would stop at once. But if the reverse was the case, and a Master of the Horse, and other unnecessary officers were to be appointed, he thought, not merely that the House of Commons, and Parliament generally, had been unfairly dealt with, but that his Serene Highness had a good right to complain. To the House it might be a matter of indifference who were the officers of his Serene Highness, and what were their salaries and emoluments; but it could not be so to the Prince himself, if he were saddled with the salaries of officers without duties to perform, and more especially if the officers of his establishment were to be removable at the will of the Ministers. He thought the Prince should be left to use his own discretion in the selection of his officers, and he hoped he was not assuming more than the fact when he hoped that her Majesty's advisers would concur in that opinion.

Lord *John Russell* said, that he was not aware that any establishment had been fixed, or any person appointed. There might be one or two persons named, but the entire arrangements were in abeyance until his Serene Highness's pleasure was known, with whom alone the appointments rested, upon his arrival in England, when every thing connected with his establishment would be subject to his own inspection and approval.

PRINCE ALBERT'S ANNUITY.] House in Committee on Prince Albert's Annuity Bill.

Colonel *Sibthorp* said, that he was rejoiced to find that the motion which he had had the honour to make some days ago, on the annuity of 30,000*l.* a year to his Serene Highness Prince Albert, had been carried by an unprecedented majority of that House, and had given the highest satisfaction to the country at large. The duty which it was incumbent upon him then to perform, however ungracious and painful that duty might be, was one which was founded upon principle. That Prince Albert possessed all the high, personal, and mental accomplishments which eminently qualified him to become the consort of the Queen of England he did not doubt, and he trusted that in any remarks which he was about to make, no offence would be taken, as no offence would be intentionally given, for the course which he was about to take was prompted by duty only. No less a sum of the public money than 1,134,000*l.* had been paid to another prince, who now occupied the throne of another country. It had been stated that 35,000*l.* of the annuity of King Leopold were to be paid back annually into the consolidated fund, and that 15,000*l.* only were to be reserved for the purpose of keeping up Claremont. But what was the information given in a return made on the 11th of February, 1834, by the then Chancellor of the Exchequer? Why, it was in effect, that no money had been paid into the Exchequer on account of this annuity, since the accession of his Majesty to the throne of Belgium; but, then, there was a memorandum at the foot of the return, in which it was said that a communication had been received from King Leopold, stating that a considerable payment was to be made in the April following. Whether any money had been received, he, of course, was not in a situation to tell; but this he would say, that the greater part of the money had been given away, in his opinion, most unnecessarily, and without any benefit whatever to this country. The course which he had taken might, perhaps, be unpalatable to the noble Lord and hon. Gentlemen opposite; but, as an humble though sincere guardian of the public purse, he was bound to object to such an outlay of the public money as was now proposed. It would be in the recollection of the House, that when Prince Leopold married, he professed himself to be a Protestant; but, notwithstanding this, he had since married the eldest daughter of the King of the French, who was a Roman Catholic? This showed how necessary it was to insert in the present bill, such a proviso as he meant to propose. It might, perhaps, be contended, that on the same principle on which his motives were based, the annuity of the King of Hanover should be taken away; but he must deny the analogy between the two cases. There was a wide difference between taking away an annuity which had already been granted—not to speak of the right of the King of Hanover—and granting another annuity. It was unnecessary for him to say one word in vindication of his loyalty, and he would only add, that there was not a man in that House who would go farther in contributing to, not merely the comfort of the Sovereign, but the splendour of the Crown. Sense of public duty alone compelled him to adopt the course which he was now pursuing. The hon. and gallant Member, in conclusion, moved that the following clause be inserted in the bill:—

"Provided, nevertheless, and be it enacted that, in case his Serene Highness Prince Albert of Saxe Coburg and Gotha shall survive her Majesty, such sum or sums as may be granted by Act of Parliament, by way of annuity, to his Serene Highness, during his natural life, shall altogether and wholly cease and determine, in case his Serene Highness shall reside for a less period than six months consecutively in each year, within the United Kingdom of Great Britain and Ireland, or shall ally himself in marriage with any foreign princess or foreign person who shall not be a Protestant, or shall cease to profess and adhere to the Protestant religion as by law established within these realms."

Sir *R. Peel:* I am perfectly satisfied of the purity of the motives which have actuated my hon. and gallant Friend in bringing forward his present motion, and I think, moreover, that it is consistent with the most perfect respect and loyalty to the Sovereign to take the course which my hon. and gallant Friend has adopted, but at the same time I am bound to say, that I for one, cannot support his motion. Sir, I cordially supported the proposition of my hon. and gallant Friend for reducing the grant to Prince Albert from 50,000*l.* to 30,000*l.*; not, however, from any mistrust, or a want of confidence in Prince Albert, but because, on looking at the whole of the circumstances of the case, I thought 30,000*l.* the proper sum to be allowed. I stated, then, that 30,000*l.* was a sufficient sum to give to Prince Albert in the event of the death of her Majesty, an event which I, in common with all her Majesty's subjects, should deeply deplore —an event which I do not and will not anticipate—and I still am of the opinion that such a sum is a reasonable allowance to make in case Prince Albert should survive her Majesty. I went, however, further than this, and I said, that, in case Prince Albert should become the father of a family, then I thought 30,000*l.* would be an inadequate allowance, and that I had no doubt, in such a case, the House would be ready to consider the propriety of voting an addition to the 30,000*l.* Sir, it is infinitely better not to show any distrust, and under any circumstances, I said it was not only needful, but wise on the part of this House to evince unlimited confidence in, and a total absence of mistrust towards, Prince Albert. I could, Sir, if it were necessary, assign reasons in detail to show that that part of the proviso of my hon. and gallant Friend with respect to residence could not be defined, and, in short, that any attempt to define it, would gain no useful object. There can, I think, be little doubt that after his connexion with this country, Prince Albert would, in the event alluded to, be most likely to take up his residence here; and hence it is that I beg to suggest to my hon. and gallant Friend, that it is perfectly impossible for me to agree with this part of the proposition which he has submitted for the consideration of the Committee. The proviso then goes on to state that the annuity shall cease and determine in case his Serene Highness "shall cease to profess and adhere to the Protestant religion as by law established within these realms." Now, Sir, it is not at all required that the consort of her Majesty should profess the religion as by law established in these realms. It is not necessary that he should be a member of the Church of England. That is not an indispensable qualification to enable a foreign Prince to become the consort of her Majesty. It would be hard of you to propose to a Prince who belonged to another form of Protestantism, that because he married her Majesty, he should become a member of the Church by law established in these realms. I do not know to what peculiar Protestant faith Prince Albert belongs, but suppose him to be a member of the Lutheran Church. That is clearly not a disqualification to his marrying her Majesty; and, if such be the case, would it not be hard to say to him, that, being a Lutheran, you may marry her Majesty, but in the event of her death, you shall not be entitled to your annuity, unless you are a member of the Church as established by law in these realms? I think, Sir, it is not necessary for me to say more on this point, and I have now only to repeat, that I gave my vote for the 30,000*l.* because I did not wish it to appear that we had any want of confidence in, or any mistrust of, the Illustrious Prince who is about to be so intimately connected with the destinies of this country.

Lord *J. Russell,* after what the right hon. Baronet, the Member for Tamworth has said, I do not think it necessary to enter at length into the reasons upon which I object to the motion of the hon. and gallant officer. I agree perfectly with the right hon. Baronet that it is neither advantageous nor expedient for us to show anything like want of confidence or mistrust towards a person who is to be established so near the throne; and from his peculiar situation, there can, I think, be little doubt that he would soon become attached to the habits and character of this country, in which he has every prospect of being highly popular. The course now proposed by the hon. and gallant Member was not pursued in the case of Queen Adelaide, nor on any former occasion; and Queen Adelaide, now conducts herself with the same virtue, propriety, and liberality which always distinguished her during the period she was Queen Consort. With respect to the Duchess of Kent, the proposition was made, but her Royal Highness was allowed to have her 30,000*l.* without any condition. It was the general opinion of the House, that it was far better to trust to the good sense of the Duchess than to encumber an Act of Parliament with such a condition, and this course has given rise to no discontent whatever. When the situation of the King of Belgium became totally altered, and when his Majesty ascended the throne of that country, did he not show a proper sense of the liberality of this country? Sir, I must say that I feel no jealousy at these Princes, who were once connected with us, having allied themselves to Roman Catholics; and with respect to the marriage of the King of the Belgians with the daughter of the King of the French, I can only say, that I am glad of any new tie between this country and France. The right hon. Baronet has clearly shown that this proviso is wholly inapplicable; and, I may add, that it would be utterly impossible for Prince Albert to comply with it. The Queen is at liberty to marry any Prince, provided he is not a Papist, but, although he must be a Protestant, it is not at all required that he should be a member of the Church of England, as established by law. The Church established by law in these realms, however, consists of two parts; the one is the Church of England, and the Episcopal establishment belonging thereto, and the other the Church of Scotland, or Presbyterian Church; so that, according to this proviso, the annuity to Prince Albert must cease and determine, unless he be not only a member of the Church of England, but also a Member of the Scotch or Presbyterian Church. It is manifestly impossible that Prince Albert could comply with the terms of this clause, and therefore the House will have no difficulty in rejecting it; but before I sit down I cannot help observing, that I think the hon. and gallant officer has obtained fame and glory enough by his majority the other night, and might have rested contented without trying to achieve another victory.

Sir *R. Inglis* said, that, for his own part, he could see no grounds for expecting the return of any part of the annuity of King Leopold. He was as much entitled to that annuity as any individual in this country was to his hereditary possessions.

Colonel *Sibthorpe* said, that in making the proposition he had merely discharged his duty, and that as the feeling of the House was against him, he would not press his motion to a division.

Clauses of the Bill agreed to, the House resumed.

PRIVILEGE—STOCKDALE *v.* HANSARD—THE SHERIFFS.] Sir *R. Inglis* wished to ask a question of his right hon. Friend, the Member for Ripon. Seeing a notice of motion on the paper with respect to the sheriffs, he wished to ask whether his right hon. Friend would proceed with his motion, or give way to the motion of his hon. Friend, the Member for East Sussex?

Sir *E. Sugden* said, that he was willing to postpone his motion, and allow his hon. Friend to proceed with the motion that had been referred to by his right hon. Friend.

Mr. *Darby* said, that he had to claim the indulgence of the House in bringing forward a motion with respect to which he felt considerable anxiety. In calling the attention of the House to the subject he was about to submit to them, it was by no means his intention to enter into any discussion of the question of privilege which had been already so much before them. What he desired to do on the present occasion was, to call upon the House to consider the peculiar position in which the sheriffs were placed, and the ground on which a majority of the House had agreed to the commitment of those individuals. With respect to the conduct of those gentlemen, it was admitted on both sides of the House, that they had acted throughout the difficult circumstances in which they were placed with the utmost honour and integrity. It was admitted that they ought to be bound by the oath which they had taken. He believed, however, that no hon. Gentleman, at either side of the House, could accuse them of having made that any ground of their justification to the House. With respect to what had been alleged as to the conduct of the bar respecting this question, it was unnecessary for him to enter into their vindication. The bar comprised, amongst its members, some of the most distinguished men—men who, in their early career, had won the highest honours at our universities, and who in every department had distinguished themselves by their talents and attainments. It was, therefore, unnecessary for him to attempt to vindicate these men from the imputation that they were incapable of taking any other than a narrow view of such a question. He would ask the House to consider the way in which the sheriffs had acted. Had they been disposed to act with disrespect to the House, they might have paid the money over to the plaintiff before Parliament met. On the contrary, they postponed the payment as long as possible, they proceeded step by step with the utmost disposition to respect the House, and, at the same time, to discharge the duty with which they were charged by the Court of Queen's Bench. These gentlemen had already expressed their regret that the course which their sense of duty obliged them to take, should have given offence to the House. What, he would ask, would the House gain by continuing those individuals in custody? With respect to Stockdale, the case would be quite different; he was the prime mover in these proceedings, and the House was justified in taking means to deter him from again originating similar proceedings. But the case of the sheriffs was different. The course which the sheriffs had taken was that which, as men of honour, they were bound to pursue. Under all the circumstances of the case, he could not see what the House could gain by the further incarceration of those gentlemen. Admitting, for the sake of argument, that the House were right in committing the sheriffs, in vindication of what they considered to be a violation of their privileges, still he did not see what they could gain by continuing their incarceration. The sheriffs had felt that they were bound to execute a particular duty, under the solemn obligation of an oath, and he thought it creditable to them that they had shown every disposition to respect that obligation. They had no personal concern in the matter. They were merely acting as the ministerial officers of the law. It was not his intention at the present time to go more fully into this question, or to detain the House by any observations on the points at issue. He should have an opportunity before the debate closed of going more fully into the subject. He did not know at present the exact circumstances in which the sheriffs were placed. The House had committed them, but he had no sufficient knowledge as to what was to be the duration of that commitment. He believed that both sides of the House would concur with him, that those gentlemen in what they had done, had acted under an imperious sense of duty. When all parties concurred in the approval of the motives by which they were influenced, he thought that enough had already been done. The House had vindicated its privileges, and he did not see that anything was to be gained by going further. He thought that whatever hon. Member might be inclined to vote for the imprisonment of the sheriffs to the end of the session would afterwards regret such a vote. On a view of the whole proceedings, he would feel that enough had been done for vengeance, and too much for justice. As he would have the opportunity of answering any arguments that might be adduced on the other side, he would, for the present, content himself by moving that William Evans, Esq., and John Wheelton, Esq. be discharged from the custody of the Sergeant-at-Arms.

The *Attorney-General* rose with great reluctance to oppose this motion, but he felt bound to do so in the discharge of his public duty. If the privileges of the House had indeed been vindicated, as the hon. and learned Gentleman suggested, he would have been the first himself to have moved that these gentlemen should be discharged; but he felt that nothing as yet had been done which could be considered as an effective vindication of the privileges of the House; and he felt that if the motion were carried, those privileges would be lost for ever. He must say, that the hon. and learned Gentleman had sat down without, as far as he had heard, addressing a single argument to the House, whereby those who concurred in the vote for committing the sheriffs could be induced to agree to his motion. Let the hon. and learned Gentleman remember, that the House by a large majority decided that the privilege in question belonged to the House, and that it believed that privilege was part and parcel of the law of England. The hon. and learned Gentleman had assumed throughout his speech, that law and privilege were at variance with each other, and that what was laid down to be law in an inferior court must necessarily be taken to be law in the high court of Parliament. Now, he believed he was addressing himself to those who thought that those privileges were indispensably necessary for the discharge of their functions in Parliament; and if so, how were they to be vindicated? They had thought it right that for that purpose the ministerial officers who preferred obeying the mandates of the Court of Queen's Bench should be committed to the custody of the Sergeant-at-Arms. Why should they now be discharged? Had they presented any petition to the House? The right hon. Member for Denbigh would state what the law was on that point, but he believed that there was not one instance where a person having been guilty of breach of privilege, and being committed, was ever discharged without having presented a petition, praying for his discharge and expressing his contrition for having violated the privileges of the House. There was no such petition from the sheriffs; no such expression of sorrow; but, on the contrary, the sheriffs had set the House at defiance. The House had made an order, which still remained on its journals, although the right hon. Member for Ripon had given notice of a motion to rescind it, and by that order he apprehended the House would consider itself still bound, that the sheriffs, having levied money on the printer of the House, should refund it. The sheriffs, however, said they would not obey the order; for they were the servants of the Queen's Bench. That he denied. The sheriffs were not more the officers of the Queen's Bench than they were the servants of any court of England—at least of the superior courts; and were no more bound to obey the writs of that court than they were to obey the orders sent to them by the House of Commons or House of Lords. They were the officers of the law. It was an entire misapprehension to suppose they were sworn to obey the mandates of the Court of Queen's Bench. They took no such oath. They were sworn to obey the law. If the privileges of that House were part of the law; if they were superior to the Court of Queen's Bench, as he said they were; the sheriffs ought to obey the orders of that superior court, and by doing so would satisfy their conscience and discharge their duty. What, then, was the House to do? He certainly regretted the inconvenience which this matter had occasioned to the sheriffs; but he did not suppose that their sufferings were yet very severe. They were very comfortably lodged; they had the consolation of receiving visits from many Members of this House; they were treated as martyrs, and were laying the foundation of pieces of plate, which no doubt would hereafter be presented to them. The question then was, were they to be discharged, never having presented any petition, or done anything to satisfy the violation of the privileges of the House of which they had been guilty? What would be the consequence of that if it were done? Why, that if another action were brought against the House in violation of their privileges, and a writ were sent to the sheriff, he would set all their privileges at defiance, and would act as those sheriffs had now acted, thinking they would have no other punishment for such conduct than a few days' confinement under the Serjeant-at-Arms. What benefit would arise from keeping Mr. Stockdale in custody if the sheriffs were discharged? He would proceed with a fresh action, another *fi. fa.* would be directed to the sheriffs, and if the sheriffs were now suffered to escape with a few days of confinement, another levy would be made, and the House would be again set at defiance. Such a course on the part of the House would be equivalent to an admission that it did not possess the right of printing and publishing what it thought proper for the information of the country, and that the privileges of the House were subject to the jurisdiction of every inferior court in the kingdom. What would be the consequence? The result would be, that every privilege which the House possessed would come before courts of law. Every Gentleman would be liable to an action for libel who shewed to a constituent any paper printed by order of the House, which a Court of Queen's Bench might deem to contain defamatory matter; every Gentleman who had ceased to be a Member, would be liable to a similar action unless he made an *auto-da-fe* of all his parliamentary papers. His friend, the librarian of the British Museum, told him that he felt great consternation at the decision of the Court of Queen's Bench, and was afraid to furnish the readers with any of the Parliamentary papers from the Museum library. If the law was correctly laid down in the case of "Stockdale v. Hansard," he might by so doing render himself liable, not only to an action for damages, but to an indictment and imprisonment. Under these circumstances it seemed quite clear that until a petition was presented from the sheriffs—till they made some concession—till something was done to vindicate the privileges of the House, the House would be laughed at, if, after merely a few days' confinement, it allowed the sheriffs to be discharged, and proceed in triumphal procession from the House to the city. This would be fatal to the privileges of the House; and, unless they persevered, till something effective was done, they had better have taken no steps at all. For these reasons he should strongly oppose the motion.

Sir *R. Inglis* thought the privileges of the House had been sufficiently vindicated, and its object fully attained, by the judgment of the Court of Queen's Bench, in which it recognized the right of the House to commit for a breach of privilege, and disclaimed the right of releasing the sheriffs from the custody of the Serjeant-at-Arms. The right of the House having been established, it could not be necessary any longer to detain the sheriffs, of whose conduct every hon. Member must approve in his own mind. The hon. and learned Attorney-general had spoken lightly of the inconvenience to which the sheriffs were put, but the hon. and learned Gentleman would find it rather disagreeable to be confined to his chambers or even to his House; and more disagreeable still if he were confined, as was the case with the sheriffs, in a room no larger than the Table of the House. The hon. and learned Gentleman had also denied, that the sheriffs were sworn to obey the Queen's writs, but he (Sir R. Inglis) defied any one to read the oath which the sheriffs took, and then to say, that the sheriffs ought to obey the writs or orders of the House of Commons, or of any other body other than the Queen. If the sheriffs were sworn to enforce the *lex* or *consuetudo Parliamentaria*, or even to enforce the law generally, the hon. and learned Gentleman's argument might have some foundation; but they were simply sworn to obey the Queen's writs. But he (Sir R. Inglis) would not argue over again the propriety of the course which the House had taken in committing the sheriffs; the present question was not whether the House had been justified in committing them, but whether it would be justified in discharging them out of custody after its privileges had been fully vindicated and established? The jury who assessed the damages, had committed as great a breach of privilege as the sheriffs had done, for they had acted according to the tenour of the oath which they had taken, and the sheriffs had done no more. Mr. Stockdale himself was, in fact, the only party concerned in the proceedings at law, who could exercise any discretion as to the course which he should adopt. The means which the House possessed of vindicating its privileges, showed that they were intended merely to be used for the purpose of defence, for the House had no power of proportioning the punishment to the magnitude of the offence committed against them. Suppose that the most trifling breach of privilege was committed in January, the offender if he did not make a satisfactory apology, would suffer imprisonment for seven months, while one who even entered the House and offered personal violence to one of its Members in August, might escape without being kept more than a day in confinement. Whatever might be the nature of the crime, the House had only the power of inflicting one kind of punishment — that of imprisonment; and they had not the power of measuring out that punishment in any proportion to the offence. The Sheriffs of London were, as he believed, the only parties who had ever been committed for contempt, for having done that which they had previously sworn in the regular discharge of their duty to perform. No precedent had been produced to warrant such a course: it was totally a new case; and the House he contended, had at all events, done enough to vindicate its privileges. He was present when the bodies of the sheriffs were brought into the Court of Queen's Bench on the 27th of January, and he heard the shouts of the people on the outside as those officers passed amongst them, in their way to that court. It reminded him of the shouts of the people at the acquittal of the seven bishops. [*Oh, and laughter.*] Did hon. Gentlemen really know so little of the elements of English history as to be ignorant how much of civil and religious liberty they owe to the heroic conduct of those martyrs and confessors of the Church of England, the seven bishops? Do they not know how much even the Dissenters themselves are indebted for their present freedom to the stand then made by those venerable and illustrious men? "Call you that nothing," said their unhappy King, when he was told the cause of those shoutings; and do hon. Gentlemen think so little of the state of public feeling in support of the present sufferers? He would suppose the case of a stranger entering the Court of Queen's Bench last Monday. He would have to force his way through groupes of all classes, all animated by the same feeling of anxiety, yet all in submission to the majesty of the law present in that august tribunal. What sight would greet him when he entered? He would see some of the first civil authorities of the country, the actual conservators of the peace of the metropolis of the empire—where? In the prisoner's dock, in the chief Court of Criminal Jurisprudence; arrayed, indeed, in the robes of their high office, yet not attending as Ministers of the Court; but brought in as prisoners, surrounded, he must not say by gaolers, but by the officers of this House, their keepers. And the stranger would ask what was their offence? And he would be told, that it was because they had obeyed their sworn duty to that Court and the Queen. Could such a state of things be without danger? Can men see such officers of the law and the constitution so punished for the discharge of their oaths, and yet regard this House with the feelings which this House ought to desire? He would not, however, pursue this subject further. It was enough for him to say, that, since January 18, when he had himself moved that the sheriffs be discharged from further attendance, the case was greatly changed. Then his motion was resisted; it might be, because the right of the House to commit was in danger. Now that right was established by the decision of the Court of Queen's Bench last Monday. When, therefore, their privileges were vindicated, for what purpose were the sheriffs confined? Did any one allege anything against their personal conduct when present in the House? Did any one say, that they had not done every thing in their power to meet and anticipate the wishes of this House, before they were brought here? Why, it was notorious, that, if they had not, through deference to this House, refrained from paying the money levied at the earliest day, one, at least, of the resolutions which now disgraced the journals, could not have had existence? When, then, they had thus put themselves into the power of the House, when the right of the House to commit them was not questioned by the Court of Queen's Bench, he trusted, that the House would no longer refrain from granting that relief to just and honourable men, which the present motion asked, he trusted, not in vain.

Mr. *Baines* said, that the question now before the House, was a question of privilege, affecting as much the interests of the people of England as the rights of their representatives in that House; and if these privileges were not maintained, the House would abdicate its functions, and prove themselves unworthy of the trust that had been confided to them. ["*Hear, hear.*"] He was glad to find that the sympathy of the hon. Baronet, the Member for the University of Oxford, was so strongly excited by the twelve or thirteen days confinement that the sheriffs had undergone, and he hoped that the hon. Baronet's feelings would not be less ardently brought into exercise when the subject of the twelve or thirteen months' confinement of another person, whose case had been frequently brought before the House by petition, was submitted to their consideration, and who was not confined in a room, twelve feet by twelve, but in a cell, six feet by six, without any levee to console him in his cruel incarceration, and in which room he was placed during sixteen hours out of the twenty-four, in what might be termed solitary confinement. When hon. Gentlemen's sympathies were so strongly expressed for the sheriffs, he was surprised that they had not been more easily awakened by the representations that had been made of the situation in which Mr. John Thorogood, the church-rate victim, had been so long placed, not for withholding a payment of 600*l.*, in violation of the order of the High Court of Parliament, but for refusing to pay the paltry sum of 5*s.* 6*d.*, in obedience to the orders of the Ecclesiastical Court. It was said that the sheriffs entertained a conscientious scruple against obeying the orders of the House of Commons, whether well or ill founded he should not undertake to say; but Mr. Thorogood did really entertain a conscientious scruple, arising out of a demand to make a payment in support of a church, in the faith and discipline of which he did not concur. The objection might be right or wrong, but it was a conscientious objection, and ought to be respected. The hon. Baronet had spoken of martyrs and confessors; but here, indeed, was a martyr; and he claimed of the House of Commons, and of the hon. Gentlemen on the opposite side in particular, that they should not longer disregard the cruel sufferings to which he was exposed. With regard to the privilege enjoyed by the House of publishing their own proceedings, if they once lost that privilege, they would divest themselves of a great part of the benefit derived by the country from their proceedings. In most of the enquiries that came under the consideration of the House, there was of necessity a great deal of criminatory matter, which the law might consider libellous, seeing that truth itself was a libel, but if they were to be restrained from the publication of those facts, the reform of abuses would become much more difficult, as it often occurred that the evidence of their existence was made palpable to the country from the publication of enquiries instituted before that House, and from the publicity that was given to their proceedings. With regard to the privilege of publication which was questioned, it was a remarkable fact, that no later than Saturday last, the Lord Chief Justice of the Court of Queen's Bench had made a present to one of the Colleges of the Parliamentary Reports which were deemed so reprehensible, and he (Mr. Baines) wondered if any action were commenced for libel in consequence of the presentation of those Reports, what would be its issue, and whether his Lordship would not be placed in the same situation as the Messrs. Hansards; in favour of whom it was said that the privilege of Parliament could not be urged as a justification? With respect to the Sheriffs, he felt after the best consideration that he had been able to give to the subject, that there had been sufficient cause for punishment, whether they had sufficiently expiated their offence he was not prepared to say, but having heard no reason to satisfy him that they had, and the House having received no apology for the disobedience that had been shewn to its orders, he could not at present vote in favour of their liberation.

Sir *W. Follett* wished to take the opportunity of making some observations to the House on this question, especially after the speech of his hon. and learned Friend the Attorney-general, because he thought that that speech pointed to no termination of these proceedings. He must say, that he was extremely anxious, and he thought that every one who wished well to the character and dignity of the House must be anxious, to see some mode adopted of terminating these proceedings. He did not at all venture to hope, that any advice which he could give the House would be of the slightest service, in the difficult and embarrassing position in which it was placed. But he did think, and he thought every Member of the House must feel, that these proceedings had now come into a situation of such difficulty, that it was actually incumbent on them to consider, calmly, dispassionately, and not in the heated way in which it had been sometimes done, what course they ought to take, not only with regard to the termination of these proceedings, and the discharge of the sheriffs, but with regard to the future proceedings in those actions which had been commenced, or were threatened, against the officers and servants of the House. If it should turn out, that the result of those proceedings was, that they had not power effectually to stop actions brought against the officers and servants of the House, he could not think, that the House would lose character or dignity by adopting a different course. After what had just fallen from his hon. Friend, the Member for the University of Oxford, and from his hon. and learned Friend, the Attorney-general, and having had no opportunity of expressing his opinion before, he hoped he might be allowed, not to enter into an examination of cases or authorities of which the House might be wearied, but to state the views which he entertained upon the power of publication claimed by the House, and which had given rise to these discussions, and the broad distinction which presented itself to his mind between that power and right which he believed the House possessed of communicating to the public the whole or any part of their proceedings without fear or question, and the attempt which the House was now making to make use of its power of committal, which was vested in the House for totally different purposes, as a means of interference with the usual and ordinary course of the administration of justice by the Courts of Law. It was the former question alone, that had led to these discussions. It was the power of the House to publish its proceedings, which Stockdale called in question by his action. It was to be wished, that no other question or assertion of privilege had ever been mixed up with it. Although he (Sir W. Follett) was himself a member of the committee of 1837, by which those resolutions were reported to the House, which had been the subject of so much discussion, he did not hesitate to say, that the proceedings which had subsequently taken place, as well as the more mature inquiry and consideration which he had been compelled to give the subject, made him regret that those resolutions ever were reported by the committee, or ever received the sanction of the House. He could not help thinking, that such broad and sweeping assertions, even though in the abstract they might be true, necessarily led to mistake and misapprehension. They led to the privileges which they asserted being tested by putting imaginary cases of abuse. They were tried, not by what the House was likely to do, but what they might possibly do, and they led to charges against the House of arrogating the functions of the entire Legislature, and assuming the power to make law without the consent of the other branch of Parliament. He did not think the resolutions were open to those charges, but there was no doubt, that such misapprehension had been created. The public feeling had been excited, not against the real privileges or powers of the House, but against the imaginary privileges and cases of power, which ought never to have been mixed up with that question. With regard to the power itself—the power of the House to communicate to the people the whole or any part of its proceedings—he was perfectly satisfied by the precedents collected by the committee, that it was a power which the House had exercised for a long series of years. It had been the practice of the House beyond doubt for two centuries. He said, independently of that, looking at the subject as a constitutional question, looking at the power of the House tlemen, in their arguments, had said, "Suppose this should happen, and suppose that should happen, and suppose you are defied at every step;" why, with this argument, they might go through every court. The Court of Chancery cannot get its power obeyed except by commitment; therefore, pray give up that power. The Queen's Bench, if it orders anything to be done, can only have it performed through the power of commitment; therefore, pray give it up. And yet the power of commitment had preserved the constitution, and it had preserved the courts; and when they were asked to carry it out, they ought not to shrink from their duty. No one was more alive than he was to the evils of the conflict—no man had been more anxious than he had to avoid them. He had endeavoured to find some way of surmounting them, but he had not succeeded; and his hon. and learned Friend who had sought the same thing had only produced for the remedy the abandonment of the privilege by abandoning the means of maintaining it—for commitment had had the effect of maintaining privilege. Neither House had any means of preserving its privileges except by dealing with the officers who acted inconsistently with those privileges. That was their only mode. How were they to prevent their privileges from being violated if they used not those means? They talked of allowing the sheriffs to pay over the money to Mr. Stockdale. That would only encourage Mr. Stockdale to begin again. How could they prevent it? How were the sheriffs prevented from arresting the Members of that House? By the fear of commitment. How were others prevented from interfering with the privileges? By fear of commitment. That very fear of commitment was what enabled them to sit there. The sheriffs had levied upon the goods of Messrs. Hansard. Suppose they had taken Messrs. Hansard in person, as they might have done under another form of writ, instead of taking the goods, what would the House of Commons have said? Would they not have said, "Be so good as to let out Messrs. Hansard immediately, or we will commit you?" The money only represented Messrs. Hansard—the sheriffs had Messrs. Hansard in their pockets in the shape of the money. Would the House permit Messrs. Hansard, who were their servants, entitled to privilege—would the House permit officers of the House to remain in custody?—and would they consent to the sheriffs being discharged, whilst they retained the custody? They would not. The money was in the same situation. It was obtained in satisfaction of the judgment from Messrs. Hansard's property. The money was as much a satisfaction of the judgment in point of law as an arrest of the bodies; and therefore the question really was, whether the sheriffs should be permitted to render the breach of privilege available to Mr. Stockdale, to enable him to work out satisfaction, and to allow the sheriffs to assist in giving him the fruits of his judgment? How long, then, it was asked, would they keep the sheriffs? He replied, till the privilege of the House was vindicated. Was he right or wrong in his first step? Was the House contending for personal privileges or for the benefit of the people of England. If it were contending for the latter, as he averred it was, could any pity for the sheriffs be put in competition with the duty they owed to the people? If they persisted, would the Queen's Bench so outrage law as to send sheriff after sheriff to be committed by the House? It would not. If they retained the sheriffs it would be because they should be prevented from paying the money to Mr. Stockdale, and because they chose to rely for protection upon the courts, and not upon that House. Suppose they should repay the money to Messrs. Hansard. The Court of Queen's Bench had issued an attachment. That writ of attachment could not be executed whilst the sheriffs were in custody; but suppose, by repaying the money, they should in effect discharge Messrs. Hansard from custody, what course would the House take to prevent those who should seek to punish individuals for obeying the orders of the House? It would commit those persons. He had read in one of the newspapers, that it was asked by a distinguished Member of that House, "Is there an instance of any court interfering with an action?" If the hon. Member had opened the pages of the journals, he would have found a hundred instances, particularly in the Courts of Equity, where actions were brought against persons, and they were imprisoned, in which the gaoler was ordered to discharge those persons, and in which the court ordered the commitment of the gaoler. But then, it was said that they could not stop the action. Why, all experience showed that the action was practically stopped. He knew there was a technical difficulty in stopping the action; but the moral effect was sufficient. The warden of the Fleet, the marshal of the Queen's Bench, and indeed all sorts of gaolers had been committed over and over again by that House. Like all other things, it might become necessary to pursue a harsh course; but if they were pursuing a harsh course, they were taking one which was strictly parliamentary, and one which the courts of justice had frequently followed. The Court of Chancery he knew would not permit its officers to be questioned in any other court. He happened to have in his hand a case to which the name of his hon. and learned Friend was attached. A man was taken into custody on an attachment from the Court of Chancery, which he complained of as being irregular. He brought his action, in which he laid his damages at 8,000*l.*, just as Mr. Stockdale here laid his damages at 50,000*l.* as a fair estimate of injury. His hon. and learned Friend persuaded the Court of Chancery to stop that action. "Why, if the man were improperly taken on an attachment that was irregular, ought he not to be enabled to bring his action in another court and obtain redress?" would say the hon. gentleman who argued on the other side. "But no," said the Court of Chancery; "if you require justice for any injury you have received in our court, we will give it in our own way." What, then, would be the sheriffs' position if they should yield obedience to the orders of this House? Suppose the Court of Queen's Bench should order the coroners to take the sheriffs on the attachment. He did not know whether the coroners would have any appetite for such an office; but suppose the coroners should come to the House and say, "We have received writs to enforce payment of money which has been re-paid to Messrs. Hansard under the orders of the House," and should ask protection. The House would tell the coroners not to execute the writ. What would be the next step? The court would issue an attachment against the coroners. The usual course under such circumstances was, upon an intimation of the writ being issued, to order the Sergeant-at-Arms to arrest the person coming to execute it; and then, when the officer should come, instead of his taking the coroner, the coroner would take him. Who was the Court of Queen's Bench to send next? Why, they must stop. That House, he apprehended, was not different from former Houses that had maintained their privileges. Was it to be contended that the constitutional power which, in the worst of times, had preserved that House from corrupt courts and a tyrannous House of Lords, was now lightly to be surrendered, and that too under colour of releasing two poor sheriffs who steadily persisted in a course of disobedience to the orders of the House? No; that was not the course for the House to pursue. Let it be remembered that in former times, when parties had been committed for contempt, the House in order the more strongly to assert its privilege had addressed the crown not to prorogue but to adjourn the sitting of Parliament, in order that the offenders might not escape from their imprisonment. Let not the sheriffs suppose—let not their advisers suppose—that the House was not armed with sufficient power to render the maintenance of its privileges effectual. The House might continue the imprisonment of the sheriffs, and by so doing would only be imitating the example of former Houses. If the House were now to act with pusillanimity—if it were to evince an insensibility to the value of that which was intrusted to its charge—if it were to desert the people of England, by lightly abandoning its own undoubted privileges, it might hereafter be easily overcome, and would become, and justly become, an object of contempt. If the Court of Queen's Bench supposed that the House of Commons was wrong, the only course for it to pursue was, to make a communication with the House of Lords, with the view of obtaining a conference upon the subject. His hon. and learned friend had proposed legislation to meet the difficulty. He (the Solicitor-general) did not see how any legislation could be effectual to secure the desired end. He should, however, be sorry to abandon the hope that some mode might be discovered of meeting the difficulty, without sacrificing the privileges of the House; and he could assure his hon. and learned Friend, that he should be most anxious to lend his best assistance towards the discovery of such a mode. If his hon. and learned Friend would suggest any course, he should be happy to join him in prosecuting it, provided it did not interfere with the privileges of the House. It was the bounden duty of the House to preserve the Constitution entire. Therefore his humble advice to the House would be this:—Manifest to those who now treat you with contempt—not in the way of anger—not in the way of resentment, but in the way of a high tribunal, charged with great and solemn duties involving the interests of the Constitution—in this manner manifest to those who are disposed to treat you with contempt what is the extent of your power, till your privileges are vindicated. Do not discharge the Sheriffs till they restore the money. He could propose no other limit to their imprisonment than that. If they thought fit to pay the money to the plaintiff, and to rely upon the Queen's Bench, let them do so, but let not that House sacrifice its duties. Much as he lamented the imprisonment of these gentlemen for fifteen days, or even for one day, yet he must say that their discharge at that moment with the money in their pockets, defying the House, and not even condescending to make an apology, would be wholly inconsistent with everything that was due to the dignity of the House. His hon. and learned Friend had said that it would be too much to ask the sheriffs to say that they had done wrong, because it would hurt their feelings. What would have become of the constitution if other Houses of Commons had always been so very delicate—so truly tender hearted? "This," continued the hon. and learned Gentleman, "this is what I contend for: unless you are determined to detain these sheriffs until they submit, do not detain them one hour longer. I say more—if I had been here when the motion for their commitment was proposed, I should humbly have submitted to the House this point for its consideration:—do not commit these gentlemen unless you are prepared to render their imprisonment effectual to the attainment of the great constitutional purpose of redeeming the privileges of this House. I do not know whether I have conveyed to the House my own view of the manner in which the course that has been pursued is to be rendered effectual. My hon. and learned Friend on the opposite side says that you will fail in this, and fail in the other, and that you cannot accomplish what you propose. I ask you to look back to what has been done in former times, and to anticipate the future upon a well grounded review of the past. Tell me, if any man can, why the powers, which have hitherto been effectual, are now to fail? Every step that the House has taken in this case I am prepared to vindicate upon the most distinct parliamentary authority. I do not choose, at this moment, to occupy the time of the House by referring to precedents, to the journals, and to various other sources of information; but I am prepared to produce the highest and best authority in vindication of every step that has been taken. This I am sure of, that you are now in the direct, well-grounded course of precedent and parliamentary law. You may go out of it, if you please. Your ancestors found it effectual: if it fail with you, it can only be because you will not follow their manly example.

Sir *E. Sugden* rose, but was interrupted by cries of "Adjourn." He wished to say a word in reply to his hon. and learned Friend, who had distinctly said that they ought to keep the sheriffs in prison until they had paid the money back to Mr. Hansard, and that by adjournments instead of prorogations of Parliament, their imprisonment might be made perpetual. They should then either make up their minds to keep them in custody for ever, or to let them go at once. The hon. and learned Gentleman had said, suppose that the sheriffs were actually to obey the orders of the House, what security would they require from them? He had stated that they might be attached by the Court of Queen's Bench, and that the power of the House might be exerted in reaction by committal. By committal of whom he would ask? Of the Judges? [Mr. Sergeant *Wilde*—Of the officer of the Court who appeared.] But the time might arise, and the hon. and learned Gentleman anticipated that it would arise, for committing the Judges themselves? The hon. and learned Gentleman contemplated an appeal to the military, not to repress popular tumult, not to put down an outbreak of insurrection, but to beard the Judges of the Court of Queen's Bench, for to this it would come. The hon. and learned Gentleman said that the House was maintaining the privileges of the people of England, but he would maintain that there was in reality only the majority of that House arraigned on the one side, while on the other was to be heard the unanimous voice of the people of England. ["No, no."] He would repeat it. He hoped hon. Gentlemen would allow him to repeat that that was his conviction. ["No, no,"] It might not be believed there, but he believed it to be the fact. He did not speak on this subject without authority. He had that day presented a petition in favour of the sheriffs, signed by no less than 500 members of the bar, of all shades of political opinion, commencing with the barristers of the Court of Chancery, and followed up by those of the other courts. [*Interruption.*] If hon. Gentlemen would speak in that tone, he must of necessity consent to adjourn.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, February 4, 1840.

MINUTES.] Petitions presented. By the Earl of Clarendon, from Ayrton, and four other places, and by the Marquess of Westminster, from three places, for the Total and Immediate Repeal of the Corn-laws.—By the Bishop of Exeter, from three places, against the Doctrines of the Socialists; and by Lord Teynham, from Mrs. Margaret Chapelsmith, for an Inquiry into the same.—By Lord Redesdale, from a place in Denbighshire, against any further Grant to Maynooth College; and from another place, against the Importation of Foreign Corn into Ireland.—By Lord Brougham, from a number of places, for Pardon to the Monmouth Prisoners.

FROST, WILLIAMS, AND JONES.] Lord *Brougham* said, he had to present to their Lordships three petitions from three individuals in similar circumstances—viz. John Frost, Zephaniah Williams, and William Jones, prisoners in the county gaol of Monmouth, who had been convicted of high treason, setting forth various facts relating to the trial, and the ultimate decision on the objection taken, and complaining, that not being aware of the law, they were not informed of that which now turned out to be the law, and were, therefore, prevented from taking the objection in what was now said to have been the proper time; also solemnly declaring, that the Judges had expressed the same opinion upon the trial as they afterwards entertained, and that, therefore, if the objection had been taken in due and proper time, the petitioners ought to have been acquitted, and praying their Lordships to interfere to obtain mercy for them. He believed, that a great error had gone abroad respecting these proceedings. It was a great mistake to suppose the fifteen Judges constituted a tribunal known to the law of the country. It was not so. They were merely consulting on the subject as any other individuals learned in the law might have done, and had not an atom of jurisdiction, because they had not heard the cause tried. Such consultations used to be in the dining-room of the Judges, and he had argued causes there before their Lordships after dinner. The case of Lawless was so argued, but the judgment was not given until next spring, when it was delivered at the Assizes in the Court where the cause had been tried by a single Judge. It was altogether a mistake in the petitioners to say the two Judges retained their opinion, for having heard the opinion of the majority, they now believed they were wrong. He hoped the point on which the objection was taken would be made the subject of legislative enactment, as there ought not to be the slightest doubt whatever on that matter.

PRIVILEGE—STOCKDALE *v.* HANSARD —THE SHERIFFS.] Lord *Brougham* had to present a petition from two individuals placed in a situation of peculiar difficulty and hardship, and in circumstances strange, unprecedented, and alarming; he presented to their Lordships a petition from William Evans, and John Wheelton, Esqrs., Sheriffs of London and Middlesex, and the petition appeared to be presented to the House, not merely in its Legislative capacity, but as the highest Court of Judicature known to the laws of these realms, and from officers of a court on whose judicial decisions their Lordships might have to sit in judgment, as also upon the conduct of the sheriffs as officers of that court over which their Lordships' House had unquestioned jurisdiction. The petition was to this effect—and in regard to the great hardship of this case, and in regard to the high and paramount importance of the subject, and in regard, he would venture to add, to the respectful, touching, and submissive nature of the appeal made to their Lordships, he would venture to engage for the statements of the petition that attention which their Lordships always gave to the petitions of every class of their fellow-subjects, when those fellow-subjects bore towards their Lordships the relations which he had taken the liberty to point out. The petitioners addressed their Lordships as the Supreme Court of Judicature of the country, and they asked for justice according to law, and he for one must say, that in his experience he knew of no justice—he knew of nothing called justice, unless it was justice according to the law —the known and established law of the realm. The petitioners said, that by divers charters the office of sheriffs of the city of London, and the county of Middlesex, were vested in the Lord Mayor, commonalty, and citizens of London. That the sheriffs were elected by the livery-men of London in Common Hall assembled, and were compellable to serve such office under the penalty of a heavy fine. That on the day of the last annual election, the petitioners were elected and took upon themselves the duties of the office, the consent of the Crown being given to their appointment by the Cursitor Baron. And previous to entering on the office they took the oath that they would truly serve all the Queen's writs, according to the best of their skill and knowledge, and that, pursuant to that oath, they had duly executed all the Queen's writs which were directed to them. The petitioners then set forth, that a writ of inquiry was directed to them, in consequence of the verdict of the Court of Queen's Bench, that judgment was entered, and a jury empanelled to assess the damages in consequence of the default of the defendant, that the writ of inquiry was executed before one of their officers, the under-sheriff, and the jury returned a verdict of 600*l.* damages. The petitioners then set forth a resolution of the other House of Parliament, asserting, that by the law of the privileges of Parliament, the House had the sole and exclusive jurisdiction to determine on its privileges, and that the institution of any suit or action, for the purpose of bringing those privileges into discussion in any other place than Parliament was a high contempt, and rendered the parties amenable to punishment. So that the Chief Justice who tried the case, the Judges before whom the demurrer was argued, the counsel who argued the demurrer, and the solicitor who instructed those counsels, were punishable for enforcing the law of the land, provided it brought in question the alleged privileges of the House of Commons. The petitioners then proceeded to state that instructions were nevertheless given to the Attorney-general to appear and defend an action in which the rights and privileges of the House of Commons were brought into question, notwithstanding that after a discussion of three or four days the House had resolved that parties were punishable for bringing actions which involved the question of privileges, or the alleged privileges of the House of Commons. Instead of proceeding, in the first instance, to punish the breach of privilege, they appeared, according to the statement taken from their own books, to have made themselves parties and accomplices to that which eight-and-forty hours before they had declared to be highly culpable. Well, then, Mr. Attorney-general was instructed to plead, and a demurrer was put on the record. Now, that was as much as to plead that they admitted the fact as to the position in which the parties stood to each other. But they denied that the publication was beyond the privilege of the House. Why, that raised the whole question. It brought the whole matter before the Court of Queen's Bench. It entitled the Judges of that Court to become parties to the question, which could not be if the House of Commons had not instructed the Attorney-general to plead—thus putting it to the Court to decide upon the question upon which the House of Commons and the plaintiff were at issue, the Attorney-general having been ordered to bring the question of privilege before the Court of Queen's Bench for its decision—whereas, eight-and-forty hours before, the House of Commons had declared it to be a highly punishable offence for any individual to question the privileges of Parliament. The petitioners further set forth that the question was fully argued, and that the judgment was given for the plaintiff. On that occasion the Court allowed the demurrer—that is, disallowed the plea set up by the Attorney-general, acting under the orders of the House of Commons. They then set forth, that the aforesaid proceedings were liable to be reviewed, and that, if there were any error in the decision of the Court of Queen's Bench, that might be brought before the other Judges sitting in the Exchequer Chamber as a Court of Error, or before their Lordships' House sitting as the highest Court of Appeal. But that no writ of error had yet been prosecuted; and further, that as the House of Commons had allowed the decision of the Court of Queen's Bench to stand without appeal, as far as the petitioners knew the law of the land, the privilege must be held to offer no defence. The petitioners then state, that after the writ of inquiry had been executed, and judgment had been given—after the execution had been taken out, and a levy made to the amount of the sum in question, the fruit of the sale of the property of the defendant in the suit—they state that in consequence of that amount being in their hands to be made over according to a writ of *fieri facias* and having been levied by them in obedience to that writ which they had sworn to obey, the House of Commons, as appears by their printed votes, passed a resolution, stating that it appeared that an execution in the case of Stockdale *v.* Hansard, had been levied to the amount of 640*l.* by a sale of the property of the defendant in contempt of these privileges of the House, and that such money now remains in the hands of the sheriffs of Middlesex—that said sheriffs be ordered to refund the said amount forthwith to the defendants. Then the sheriffs had a writ directed to them—the Queen's writ issued by the authority of the Court of Queen's Bench, which they were bound to obey, and which they had also sworn faithfully to execute. That writ had called on them to pay the money, not to the House of Commons, but to the plaintiffs. Accordingly when they had been ordered to pay the money to the defendants, contrary to their oaths, to their duty, and to their office, they refused to do so, but kept it for the parties to whom it was due by the law. They, not having expressed their intention to comply with the order were committed by the Sergeant-at-Arms to custody, where they still were. They humbly submit that the order was invalid in point of law, and an infringement of the rights of the Crown, inasmuch as it was an infringement on the rights of the party as decided on by a Court of Law. They then set out that a writ of *Habeas Corpus* had been applied for, for the purpose of bringing them before the Court of Queen's Bench—that they were brought up, and that the writ of *Habeas Corpus* was returned, because the warrant did not set forth specifically the grounds of their commitment, but merely set forth generally that they had been confined by an order or warrant of the House of Commons, for a breach of privilege and a contempt of that House, without stating in what that contempt consisted, so that it was a matter of course they should remain in custody, because they could not tell why they had been committed. If any Court chose to conceal the cause of its writ, or to wrap its warrant in general terms, no other Court had then the power to inquire into it by going further into the case than the warrant had set forth. These were the grounds on which the Court of Queen's Bench had proceeded, and which would have equally applied to any other Court—would equally apply to a writ from the Court of Common Pleas. No matter how absurd the grounds on which the warrant had been issued, there was nothing to be done when the ground of it had not been stated. The Court of Queen's Bench had accordingly been prevented by the nature of the warrant in question, from proceeding any further. The prisoners were still in custody, and had no prospect of being released, and they, consequently, wished to throw themselves on the protection of the House. They concluded their statement as follows:—

> "Wherefore, throwing ourselves on the justice and protection of the highest court of judicature in the realm, your petitioners humbly pray your Lordships' House to afford them such assistance in the circumstances of the case as to your Lordships' House will seem fit, to the end that the petitioners, being officers of the law, and sworn to execute it, in obedience to a writ to them directed, may not suffer in their persons for the necessary discharge of their duties according to their oaths, and which, if they had failed to do, they would have been liable by the law to the severest punishment."

He had not, the noble Lord proceeded, stated the whole of the case, but had merely given the substance of the complaints of those parties. He had now only to add, that he felt anxiety, and, he should say, sorrow at their unhappy lot, because of the peculiar circumstances of the case, and in the relation in which their Lordships stood to the other House of Parliament, viz., as a co-equal and not inferior Chamber of Parliament, on a point of privilege, he did not see, however great their inclination might be, to rescue those gentlemen from the embarrassments of their position,—he did not see how their Lordships could proceed in the case. Every man who had examined the nature of the proceedings would find proper and just palliatives in the conduct of the sheriffs. He therefore, for fear he should exceed that measure of opinion which could be drawn by any one who had inquired into those proceedings, and for fear he should, on the other hand, fail in stating that opinion, he would only refer to them and say, that those proceedings, and such proceedings, whatever may be their nature, left the sheriffs remediless in their Lordships' House. They could afford them no protection it was true, but they were bound to listen to the prayers of those petitioners. He might observe, that if no petitions were presented, unless when it was thought they would be of use, much of their Lordships' time would be spared. He wished to express the feeling which he entertained with respect to the powers of the House, because he found that they might be precisely in the same situation in which the other House was now, and that that other House had claimed for their Lordships the same privileges which they had claimed for themselves. God forbid, however, that he should ever be called upon to act on that precedent. God forbid that their Lordships, the highest court of justice in the kingdom, and an assembly of rational men—should be ever called on, he would not say to imitate the proceedings adopted elsewhere, but to take such steps as had followed from the prosecution of such proceedings. He would not say one word on the decision of the Court of Queen's Bench, which had been given after the fullest arguments, not only on the part of counsel, but after the fullest arguments on the part of the Bench itself, to justify its decision. If he were now to state what was his opinion on the law of the case, he should be doing what would be presumptuous as well as superfluous; presumptuous, because the Court of Queen's Bench had decided the case; and superfluous, because the House of Commons had acquiesced in that decision. He had other reasons, however, for not giving his opinion. He might be called on hereafter, as a Member of their Lordships' House, to be a judge on the matter. The other House might be influenced perhaps by opinions from without, to change their determination, and their Lordships might then have a different course to adopt; and he knew not but as another House had, in the course of forty-eight hours, changed its own course, and its own sentiments, and as it had come down and descended from high privileges to the constitutional law of the land—for all that he knew their Lordships' judgment might yet be appealed to, and it might be to reverse the decision adopted elsewhere. He would not make any observations on the decision of the Court of Queen's Bench, and he would add, that whenever their Lordships might be in the same situation as the other House, they would have the consistency and the manliness, in the first place, to act on Thursday, according to their declared and solemn decision on Tuesday. In the next place, he hoped they would avoid saying that whoever went to law, in such a manner as to bring their privileges in question, before that court of law, should be considered guilty of a breach of privilege, and then ordering their own servant to go to law, and to place a plea on record in that very court of law, pleading their privileges, and thus bringing those very privileges under the cognizance of the court—and then saying, that the Court of Law was guilty of a breach of privilege, for deciding on the very question which they themselves had brought before the court. He hoped also that they would have the manliness and the courage, and the justice, if any officer of any court of law, be it high or be it low, should obey the order of his lawful superiors, the courts of law, and should bring any act of his in obedience to their orders, and to the obligation of his oath, or any act which they might deem a breach of the privileges—he trusted they would have the courage, as well as the justice, to proceed against the originators, and not against the agent, to attack the master and not the servant, to commit the Judges, not the Sheriffs. If the Sheriffs had not obeyed the orders of the court, they might have been committed—they were bound to obey the orders of the courts of law, and they had only done their duty according to the law and the obligation of their oath. He trusted that that House would never take advantage of persons under such circumstances; but he also hoped that if that had been done, and their Lordships had committed offenders—for if they were not offenders, then those who had committed them were guilty of offence—then he hoped that they would not suffer persons to come in procession to compliment the prisoners on having set their authority at defiance, and to congratulate them on this martyrdom to their principles, even in their own cells; he trusted they would not suffer them to receive these congratulations for having disobeyed the law of Parliament, and preferred the law of the land, under the eye and within ear-shot of the House itself. He ventured to hope that they would pursue a courage more consistent with their own dignity, and with justice, and that they would not be led astray by any other example, be the party ever so exalted, or ever so powerful; although, with regard to this power, he ventured to entertain very grave doubts. One word more as to the administration of justice. The Sheriffs were in custody, and of the hundred of writs which were issued, not one could be executed by themselves. All these writs must be executed by the

Under-Sheriff, who held his appointment under the Sheriff, which appointment was revokeable at pleasure, and the Sheriff was answerable for every act or omission of the Under-Sheriff; for every misfeasance of his—for every non-feasance of his, to the utmost extent of his fortune, and if his fortune was not sufficient, then in his person It was one thing for a man to sleep comfortably when out of prison, able to superintend his own servants, to know what they did, and to give them orders; and it was another thing for a person when locked up between four walls, and having no control over his servants, except the Under-Sheriff chose to come and communicate with him. Therefore he did anticipate if the Sheriff were not let out of prison the day after tomorrow, he might revoke the appointment of the Under-Sheriff, and then there could be no writs executed. A great deal of trash had been talked about the Coroner executing writs—he doubted if the Coroner might be trusted—but he could execute a writ in one case, and in one case only, and that was when it was to be served on the Sheriff himself. All writs were directed to the Sheriff, and not to the Coroner. The writs went to the Sheriff, he returned that he could not execute them, because he was detained in custody by the House of Commons. The consequence would be dreadful—there would be a complete end to the administration of justice, and in that case, he thought matters would be soon reversed, and instead of the Sheriffs petitioning the House of Commons to release them, they would see the House of Commons petitioning the Sheriffs to appoint an Under-Sheriff. Neither House of Parliament—for he applied the same rule to their Lordships that he did to the House of Commons—could long stand, unless they were very clearly right, and the Judges were clearly wrong, a conflict with the highest Judges of the land, or succeed in an attempt to commit their almost sacred persons to custody on a question of privilege. The Houses of Parliament would not be able to withstand the host of petitions from suitors of the courts. The whole administration of justice would be stopped and paralysed. These observations he thought it was his duty to make in presenting the petition in the case of these individuals, because he felt that in this case, unfortunately, their Lordships had not any opportunity of deriving information from other sources.

Viscount *Melbourne*: I need not say one word as to the reception of the petition which my noble and learned Friend has just presented. Of course it is known to all your Lordships, that every person who complains of a wrong done, and all persons who conceive that they are suffering under an injury, have the undoubted, the undisputed right to state that injury, and to ask redress at the hands of the House. But, at the same time, I feel it my duty to rise and say, that I do not at all agree with, or acquiesce in, the observations of my noble and learned Friend. It is impossible to mistake or misapprehend the scope, the meaning, the force, of his observations. It is impossible not to feel that those observations contained a complete and decided censure on what we know by their votes to have been the course pursued by the other House in vindication of their just—in vindication of what they considered their just—privileges. Now, my Lords, considering the nature of that question—the quarter in which it has arisen—the parties who are principally engaged in it—I think that my noble and learned Friend would have acted more wisely, more prudently, and with more propriety—admitting, as my noble Friend does, that this House has not the power to interfere—if he had altogether abstained from making the observations which he has just addressed to your Lordships.

Lord *Brougham* said, his noble Friend was perfectly right in the interpretation which his noble Friend had put on what he said. He had expressed that opinion, not on the point of law in dispute, but on the conduct of the parties in this instance, which was a perfectly different matter: but if there were any risk or danger attending what he had said, of any interference of this House with the other House of Parliament, it was his comfort to think that that House could not be damaged at all by it. It was himself alone that could suffer. It was very well to say, and he knew that he was nominally protected in what he might say in his place in Parliament; but there was nothing to prevent the House of Commons directing the Sergeant-at-Arms to take him into custody as he was getting into his carriage—voting him guilty of a breach of privilege—committing him — and, when he sued out his *habeas corpus*, concealing the special contempt for which they had committed him, contenting themselves with stating, in general terms, that he had been guilty of contempt, but concealing the fact, that that contempt consisted in making a speech in his place in Parliament, and in that case, he must remain in custody until the prorogation. That was the manly course that had been pursued with regard to the sheriffs; they had concealed the grounds of the commitment, and thus they were prevented from obtaining any redress.

Petition laid on the table.

VOTE OF THANKS TO THE ARMY OF THE INDUS.] Viscount *Melbourne:* I rise to bring forward the subject of which I have previously given notice. Some days have elapsed since that notice was given; but I have deferred bringing the subject forward, that your Lordships might have the opportunity of reading the papers which have been laid upon the table of the House. I feel convinced that the perusal of those papers will induce your Lordships to concur with me on the subject, and agree with me in the resolution I am about to propose; and will also relieve me from the necessity of addressing many observations on that resolution. I know not whether your Lordships have read the mass of important matter which has been laid upon the table; but I am sure that you are acquainted with the principal events relative to the affairs of India—of the expedition across the Indus—of the attempt of the British army to relieve Candahar and Cabool—to drive Dost Mahommed Khan from a country, the dominion of which he had usurped—to place that King on the throne who was entitled to it, and who was favourable to British interests. If your Lordships have read the papers, I am sure you will see sufficient reason to agree with me in the resolution I am going to propose, from the facts which are there stated, and sufficient reason also, that, merely in relation to the subjects to which they refer, I am strictly absolved from now entering on any political considerations. I shall, on the present occasion, entirely refrain from the consideration of all political matter, and shall confine myself exclusively to the military account of that expedition, which has been brought to so happy a termination by the Government of India, and by the officers and men serving under it. If there were not sufficient reason on political grounds, considering the nature of the undertaking, the object which it had in view, and the consequences which it has produced, I should still believe, that an unanimous vote would be given by your Lordships in favour of my motion; and I should think it, knowing the strong difference of opinion which is entertained on the subject, in the highest degree unjustifiable and reprehensible now to call on your Lordships for your sanction of the Government in India, and connected with it, of the Government at home, I will not do so. I will strictly confine myself to the motion of which I have given notice, that the thanks of this House be given to the Government of India, and to the officers and men composing its army, for the signal victory recently achieved by them. This, I believe, is the course which has always been adopted. When the thanks of Parliament were moved to Lord Wellesley, for the exploits recently performed by him, and for the victories which he had so triumphantly gained—and when resolutions to that effect were proposed, both in this and the other House, many opinions existed, both unfavourable to the Administration, and strongly opposed to the conduct of Lord Wellesley. Such opinions, I am proud to say, have since that time entirely passed away, and he now sees every shadow which dimmed his glory removed and dissipated. His name now shines out in its proper relief, and, with a fame the most unsullied, he stands forward amongst the many great men who have conducted the affairs of India—he the greatest of them all—having performed the most high, the most prudent, the most beneficial services which a subject could render to his sovereign or a citizen to his country. In 1819, a series of events took place, arising from apparently so insignificant a cause as incursions of predatory hordes of banditti, assisted by some of the native princes, hostile to the interests of Britain. Affairs began to assume a serious aspect, and to be considered of serious consequence to the empire. That combination was entirely put an end to and dispelled by that great man, the Marquess of Hastings; and Mr. Canning, in moving the thanks of the House of Commons to that nobleman for his services, confined himself entirely to the military portion of the expedition, and did not ask the sanction of the House to the general policy of the Government. He entered very fully and with great minuteness into a defence of the British empire in Hindostan, justified the means by which that empire had been obtained, and the manner in which it had been extended. It is not necessary for me to enter into that question at present. On it many erroneous notions have vanished, and sounder opinions have prevailed. It is not necessary for me to enter into such a question, more than to say this—that whatever opinion may be entertained respecting the justice of the measures adopted at the foundation of the British empire in India, now it will be admitted on all hands that the strength and power of England, in political influence and commercial prosperity, are directly and intimately blended with the affairs of India—that the maintenance of her dignity, carrying along with it the dearest considerations, can only be procured by good order and good government; and on that alone can depend the support of those countries and that multitude of inhabitants which the decrees of Providence committed to our care. It is my intention, then, to confine myself to the military part of the affairs of India, and I shall be enabled, therefore, to abridge the observations which I shall feel it to be my duty to make. It is not for me to deal with military matters—to describe marches, and give the full particulars connected with sieges. These are matters with which I am little acquainted, and which I shall be little able to explain or illustrate; but yet I can judge, as can every one, of the difficulty of this undertaking—of the courage with which it was executed—of the success by which it was attended—and of the advantages and benefits by which it was followed. Considering the magnitude of the undertaking, the difficulty necessarily attached to the transports, the uncultivated and unknown nature of the country—considering, also, that in India the nations by whom they were surrounded were, though not openly hostile, yet were by no means friendly, on whom it was necessary to keep a watchful eye—and considering that the Governor-general was prepared for every species of hostility, it is impossible not to feel that from the manner in which the expedition was begun—from the manner in which it was carried on, how the transports were provided, and everything that was necessary attended to—the whole affair conducted on so large and so difficult a scale of operations, it was impossible not to feel that the Governor-general, and the army, deserved the gratitude and the thanks of the House. It is not my intention to pretend to state the details of the operations of that march. It is impossible to speak of them in higher praise, or in a stronger or more emphatic manner, than in the words of the Governor-general himself. I will read an extract from his report. [The noble Viscount here read the extract alluded to. It very briefly expressed the Governor-general's high admiration of " the soldier-like conduct of the troops—of the gallantry, and at the same time the apparent comfort of the soldiery."] The noble Viscount proceeded:—Your Lordships know the manner in which this expedition was conducted, and the brilliant success with which it was attended; and you all know, my Lords, of the memorable exploit of the taking of Ghuznee. With respect to that exploit, I can use no language more emphatically descriptive, than that adopted by Sir John Keane in his despatch. The noble Viscount read the following despatch:—

"TO THE RIGHT HON. LORD AUCKLAND, G.C.B., &c. &c.

"My Lord,—I have the satisfaction to acquaint your Lordship that the army under my command have succeeded in performing one of the most brilliant acts it has ever been my lot to witness, during my service of forty-five years in the four quarters of the globe in the capture, by storm, of the strong and important fortress and citadel of Ghuznee yesterday. It is not only that the Affghan nation, and, I understand, Asia generally, have looked upon it as impregnable, but it is in reality a place of great strength, both by nature and art—far more so than I had reason to suppose from any description that I had received of it, although some are from officers in our own service who had seen it in their travels. * * * It is, therefore, the more honourable to our troops, and must appear to the enemy out of all calculation extraordinary, that a fortress and a citadel to the strength of which for the last thirty years they had been adding something each year, and which had a garrison of 3,500 Affghan soldiers, commanded by Prince Mohammed Hyder, the son of Dost Mohammed Khan, the ruler of the country, with a commanding number of guns and abundance of ammunition and other stores, provisions, &c., for a regular siege, should have been taken by British science and British valour in less than two hours from the time the attack was made, and the whole, including the governor and garrison, should fall into our hands."

It is impossible Viscount Melbourne continued to add anything to that testimony, as that anything that I could say, could enhance the merit of so glorious an exploit. Considering the manner in which the whole expedition was begun—considering the preparations that were made—considering the manner in which it was conducted—and considering the complete success by which it was crowned, I move, that the Governor-general, and the officers, and the men serving in India, are well and fairly entitled to the gratitude of this House—the highest testimony to their merits. I think they justly merit the thanks of Parliament, and I therefore propose the following resolution. The noble Viscount then read the motion, the effect of which is, that the thanks of the House be given to Lord Auckland, the Governor-general; Lord Keane, the commanding officer; to Sir Willoughby Cotton, and the other officers and men who composed the army of the Indus; and that the resolution of the House be transmitted to Lord Auckland in India.

The Duke of *Wellington:* My Lords, considering the relation in which I have stood throughout the greatest part of my life, towards those officers and a great part of those troops who are now thought deserving of your Lordships' approbation, your Lordships will forgive me for the presumption of offering myself at this early period of discussion to claim for a few minutes your attention. My Lords, I cannot sufficiently express my approbation of the prudence, foresight, and discretion of the noble Viscount, in offering the observations which he selected for the address which he has just made to your Lordships in proposing this motion. My Lords, it is perfectly true, that this House has for some time had under its consideration, a vast number of the papers which might be the means of giving a knowledge of the political arrangements which have occurred in India, which have rendered necessary this war, and which have been carried into effect by the expedition which has been so gloriously achieved. There may be, and it is thought that there is, throughout the country a great difference of opinion on those political arrangements. I agree entirely with the noble Viscount, that it was not desirable to ask for our sanction to these political arrangements, when the motion only was for a vote of thanks to those who have succeeded in carrying those arrangements into effect. When we are called upon to express our approbation of the manner in which the exploit was performed, it is not the time to give our opinion on the policy which rendered necessary the adoption of such measures. It is certainly fit that the House should consider that policy on a different occasion; but let us all now refrain either from opposing or agreeing to that policy, and let us consent to nothing but what is necessary for the occasion. My Lords, I have the greatest pleasure in bearing my testimony to the excellence of the military measures, and of the manner in which those measures were carried into effect by the officers and the privates. Having been during a great part of my life employed, under the direction of superior authority, to carry into execution measures of this description, I am perhaps capable of judging the method which a Government can adopt by planning and carrying into effect such measures, and I should be the last man to doubt the expediency of expressing our approbation of those political servants who have assisted in planning and carrying into execution arrangements necessary to the execution of great military operations. I have happened to have had frequent opportunities of noticing the arrangements made for the execution of great military enterprises, and I must say, that I never knew an occasion on which the duty of Government had been performed on a larger scale, on which more adequate provisions had been made for all the contingencies which might have occurred, or in which more attention had been paid to the wishes of the officers, the comforts of the soldiers, and all those considerations which are likely to make a war successful. It would be presumptuous in me to say more, than what I have happened to have known by accident of the arrangements made preparatory to the campaign now under your Lordships' consideration. In respect to the military service, I will not say more than has been already stated by the Governor-general. I am well acquainted with the officers who directed and performed the exploit of the taking of Ghuznee, and I will assert, that there are no men in the service who deserve a higher degree of the approbation of their Sovereign, or who are more entitled to the gratitude of Parliament and the country, and that there has been no occasion since I have been in connection with such service where any exploit has been performed in a manner better calculated to gain the approbation of Parliament. I shall have the greatest pleasure to give my voice in approbation of the motion of the noble Viscount.

Lord *Hill* said, that he could not allow this opportunity to pass by without expressing his great satisfaction at finding that his gallant Friend Lord Keane, and the troops under his command, had acted in such a manner as to call forth this mark of approbation from their Lordships—an honour which he knew would be duly appreciated by every individual of the army. He begged to return his thanks to the noble Viscount for having brought forward his motion, and for the very handsome manner in which he had been pleased to express himself regarding the conduct of the British troops.

Motion carried *nem. con.*

Mr. Wilberforce.] The Bishop of *Exeter,* on rising to bring forward the motion of which he had given notice, said, he would in the first place set right a point which had been left a little in doubt by the noble and learned Lord near him (Lord Brougham) on a former evening. It related to the reference the noble and learned Lord had made to the name of Mr. Wilberforce, as having approved of the principles of Mr. Robert Owen. He had received a letter from a relative of that venerable man, who had seen, through the only means open to him for information, the testimony of Mr. Wilberforce claimed by the noble and learned Lord in favour of Mr. Robert Owen. His correspondent stated, that by reference to entries in the diary of Mr. Wilberforce's life, he had found that Mr. Wilberforce had not that opinion of Mr. Owen's excellence which the noble and learned Lord thought ought to be deduced from certain words supposed to have been spoken by Mr. Wilberforce. His correspondent said, in emphatic words, "I well remember his indignation at Mr. Owen's having mistaken his universal kindness of demeanour for a bare tolerance of those pestilent speculations of the philosopher." Again, referring to the motion to refer Owen's plan to a committee, Mr. Wilberforce himself had recorded, "I was forced to speak against it on the Christian ground that they would exclude religion from life, and substitute knowledge in its stead." He quoted from page forty-six of the fifth volume of the "Diary."

Lord *Brougham* had spoken of ten years before the period then referred to.

Socialism.] The Bishop of *Exeter* would now proceed to address himself to the subject of which he had given notice, and possibly it might be most convenient if he at once stated the terms of that motion—viz., that an humble Address be presented to her Majesty, praying that her Majesty would be pleased to command, that inquiries should be made into the diffusion of blasphemous and immoral publications, especially as to the tenets and proceedings of a society established under the name of Socialists; who were represented in petitions presented to this House to be a society, the object of which was by the diffusion of its doctrines to destroy the existing laws and institutions of this country. He had stated the terms of the motion with which he should conclude, in fairness to the noble Marquess and the rest of the Government, because he was aware that those terms implied some doubts upon the conduct of the noble Marquess in reference to this subject. He frankly owned that he had those doubts, and that he did not think it safe for the cause he presumed to advocate to leave the question in their hands without some impulse being given to it by an expression of opinion on the part of their Lordships; and he would proceed to tell the House upon what grounds that opinion had arisen. It was founded upon the language used on a former occasion by the noble Marquess at the head of the Home Department; it was founded upon the letters of the noble Viscount at the head of the Government: and also upon the course which had been taken in respect of matters brought directly under the consideration of the Government. It would be in the recollection of the House, that when he before addressed their Lordships on this question, when he very feebly described the horrors of the system of Socialism, he had called on the noble Marquess to institute inquiries, and upon those inquiries to proceed to execute the offenders if he found offences against the laws had been committed. The noble Marquess on that said,

> "That he would inquire, but that he regretted the right rev. Prelate had interfered, instead of leaving the matter to the good sense of the country. He regretted that the right rev. Prelate had taken the course he had, for though he would make inquiries, yet he did not anticipate that it would be thought desirable to adopt such measures as, he gathered from the right rev. Prelate's speech, were by him thought necessary to be forthwith adopted."

Upon these grounds, he thought there was little hope that her Majesty's Ministers would be ready to enter upon an inquiry with that dispassionate view of the question which he should have expected. If the noble Marquess had said, that he would pursue that inquiry honestly, deliberately, and with an earnest wish to obtain the truth, and upon it to act—if he had disclaimed any intention to shrink from inquiry or to render it ineffectual, but on the contrary had said he would act openly, boldly, and fairly, their Lordships would have been spared the trouble of listening to the present Address. But it was not the conduct of the noble Marquess alone which caused these doubts in his mind as to the disposition of the Government on this subject. It appeared from a publication of the Socialists, in the *New Moral World*, No. 65, of the 23rd of December last, that at a meeting of the members of the branch of Socialists at Newcastle-upon-Tyne, a memorial to the Home Secretary was adopted; that the secretary for the branch had received a letter from Mr. Phillipps, the Under Secretary of State, expressing the willingness of the Home Secretary to lay the memorial before the Government. The nature of that memorial he did not know, and he only mentioned the fact to show that the objects of the Socialists were well known to the Government, and that he had not been the first to inform the Government of their existence and their proceedings. Even these, however, were not the only grounds on which he had been induced to fear that there was not much eagerness on the part of the Government to inquire into the matter. He held in his hand a copy of a letter addressed to a person still higher in the Government than the noble Marquess (Normanby) near him—he meant the noble Viscount at the head of the Administration—so long ago as the 13th of July of last year, by a clergyman who subscribed his name to it, and who had given him (the Bishop of Exeter) permission to mention, if necessary, his name and address publicly. He did not feel it desirable to do so unless required, and he therefore would only read his letter and the letter he had received in reply. The letter was directed to Viscount Melbourne, and was as follows:—

> "Having observed in the papers, that at a recent levee, Mr. Robert Owen, the Socialist, as he is pleased to call himself, received the very prominent distinction of being presented to her most gracious Majesty by your Lordship, personally, as the head of her Majesty's Government, the object of which presentation is stated in the Court Circular thus:—'Robert Owen, from the Congress of Delegates of the Universal Community Society of Rational Religionists, soliciting the Government to appoint parties to investigate measures which the Congress proposes, to ameliorate the condition of society,' I take the liberty of forwarding to your Lordship a copy of one of the numerous works issued by the society, of which Mr. R. Owen is the accredited representative, and, in fact, founder. It is the only one I have seen; but I am assured by those who have seen more of their publications, that it is a fair average specimen of their general character and tendency. I have, therefore, felt it my duty to send it to your Lordship, to put you on your guard as to the nature of the people whose chief has already received such an unusual mark of distinction and encouragement at your hands; for I am quite certain that your Lordship could not have been aware that the person introduced into the presence of our beloved, pure, and maiden Queen, was the organ of the society, who, under the specious name of 'Rational Religionists,' repudiate the revealed word of Almighty God, and by way of 'ameliorating the condition of society,' disseminate systematically, works of such disgusting obscenity, and so demoralizing in their tendency. Should your Lordship think fit to honour me with any notice of my communication, I should be happy indeed to think I had been the means of giving timely information on a subject of vital concern to the public, that no further encouragement is likely to be afforded to a society of such a character, or any member of it; and that your Lordship has received, without taking offence, what I have felt it my duty as a clergyman thus to state."

The Marquess of *Westminter*. Did the letter come from Birmingham?

The Bishop of *Exeter*: It certainly did not come from Birmingham, but he believed from some part of Wiltshire, and he would give the name of the writer if the noble Marquess desired it. Here, then, there was an instance of a country clergyman taking that very course which the noble Marquess the other night had lamented the clergymen at Birmingham had not taken. This clergyman in his letter gives the title of a book published by the society of Socialists. Though he (the Bishop of Exeter) might be laughed at, he would not read to the House that title. It was a book that had before been put into his hands One passage of it had been placed before his eyes, but he had never since permitted his mind to be polluted by again looking at it. If the noble Marquess looked at it, he would be convinced that it was much better to leave it under the decent veil of obscurity. Suffice it to say, that the title was given in the letter, which also stated, that it was published by four booksellers in London, and was to be had in all great towns. He would now read the answer which the rev. gentleman received. It was dated Downing-street, the 15th of July, 1839.

> " Rev. Sir,—I am desired by Lord Melbourne to acknowledge the receipt of your letter of the 13th of July, stating your objections to Mr. Owen's presentation at Court.
>
> I am, Sir, your obedient servant,
>
> J. Howard."

He called the attention of the House to this, because nothing could be more strange than for a Government professing to ask for, nay, to demand information, even to turning clergymen into policemen, should have presumed to have returned such an answer to such a letter. He did not mean to make any strong remarks on the indiscretion of the noble Viscount in presenting Mr. Owen, but he only referred to that fact to show his grounds of an increased doubt as to the intentions of her Majesty's Government. But he (the Bishop of Exeter) was not the only person who had those doubts; there were other persons, who knew more of her Majesty's Ministers, who were of the same opinion. In their own publication, the Socialists had given an account of the proceeding at the opening of their new building at Huddersfield, on Sunday, the 3d of November last. On that occasion, an address was made by one of the lecturers—a person of the name of Fleming; and, contrary to the usual course of that individual, that address was conceived in guarded and delicate terms, and he put forward the principles of the system in more decent language than usually was his practice. But in that address he said—

> " Crowns and kings are the creations of man; they had a beginning in his ignorance and weakness, they will have an end when that ignorance is dispelled, that weakness is changed into strength. The mysteries of priestly dogmas are also ' creatures of a day;' they have arisen, flourished, and died. Some are already dead, without hope of resurrection. Everywhere their mortal origin is clearly discernible; their final termination may be easily predicted." " Hitherto all legislation and constitution-mongering has proceeded upon the assumption that man is a free agent, and justly responsible to the powers by which he is originally formed, and to his fellow-men for his feelings, convictions, and actions. Religion, law, commerce, education—in short, all the institutions of society, have been based upon this supposed free agency of man. That this is an error equal in magnitude to that of taking two and two to be equal to five, is capable of demonstration to all who prefer the substantial and incontrovertible evidence of facts to the specious but baseless theories of imagination. Fortunately, we live in an age and under a Government when the free expression of opinion upon these subjects is permitted, and when those who advocate changes in social, ecclesiastical, and commercial policy, neither have locks put upon their mouths nor fetters on their limbs."

In the evening of the same day Fleming introduced the following observations:—

> " The priesthood frightened them to death by their bugaboos, and then made them pay tithes and church-rates to save them from the Devil."

He then took a Bible in his hand, and said, he " would prove, according to that book, that God was a fool and a liar." He then went through a mock ceremony of infant baptism, took the child in his arms, and repeated some jargon over it, giving it its name.—[Viscount *Melbourne.* —Was that Mr. Owen.]—No: it was Mr. Fleming, one of the persons who said, the Government permitted such things. But these were not the only persons who had this confidence in her Majesty's Government. They had that night been told by a noble and learned Lord, whom he regretted not to see in his place, that there were 8,000 signatures attached to a petition from Birmingham, praying for inquiry into the principles of Socialism, not signed entirely by Socialists, but by many amateurs, he believed. If there were 8,000 subscribers to this petition from Birmingham, he was sure there could not be a stronger argument of the vast necessity of taking a decided course to put a stop to these proceedings. But what had been the effect of what had passed at these meetings which had been held? He had it on the authority of a person who was present on Sunday last, February 2nd at one of their lectures, delivered at the Socialist Institution, Birmingham,

> "That the lecturers Mackintosh and Murphy declared, that they had the assurance of men in office in Birmingham, who had signed the Socialists petition, that they would do all in their power to defend them if proceeded against by the Government, which seemed to inspire them with fresh courage."

Now such was the opinion of the Socialists here. In America there was a similar confidence that all was going on well for the cause of Socialism in England—that the Socialists were sure not to meet with any impertinent interruptions from Attorney-generals or other officers of state. He would read to their Lordships an extract from an American paper which he had taken from the Socialists' paper, the *New Moral World:*—

> "Never has there been a reformer who succeeded as Robert Owen seems likely to succeed. No reformer ever opposed so thoroughly every existing institution and prejudice of mankind, and yet escaped the fangs of the law, the death of a Socrates, the imprisonment of a Galileo, or the clerical abuse of a Paine. While Carlile, Taylor, and other opposers of religion, that have not gone one tenth so far, have been fined and imprisoned to their utter ruin; while Mackenzie and Papineau have been driven from Canada into exile, and a reward offered for their heads; while Stephens, O'Conner, and O'Brien, have been fined, imprisoned, or put under heavy bonds, Owen, who has opposed the whole organization of the present moral world, still roams abroad in all the locomotive power of liberty, even under a protecting act of Parliament" (he believed the Friendly Societies Act), "establishing an institution that will eventually explode every existing government and institution among mankind. The great secret by which he is effecting all this is his superior knowledge of human nature, his superior amiability of conduct, and his superior charity of sentiment in addressing the interests, the prejudices, and the sensibilities of mankind."

These extracts showed what impunity was expected for these individuals; and this general expectation of impunity on the part of offenders themselves and of their friends made it, he thought, peculiarly necessary that their Lordships should know that her Majesty's Ministers did not entertain the sentiments which were here ascribed to them. In saying this, he did not really think that her Majesty's Ministers could intend to favour those persons: the imagination never entered his mind; he only meant to say, that they acted as if they favoured them—that they so acted that the individuals themselves must consider the conduct of the Government to imply favour to them. He could not be surprised at the individuals feeling so; he certainly thought that the whole conduct of Ministers showed a deadness of feeling on this subject, which it was absolutely necessary for their Lordships to contravene. He had said, that he would not obtrude on their Lordships any fresh instances, unnecessarily, of the blasphemies and immoralities set forth. He ventured to think that enough had been said on a former occasion to be his excuse; and unless he saw some intimation of a wish that he should prove this part of the case, he thought he should better consult their Lordships' wishes by abstaining from it. The state of things, however, which existed was dangerous; the open defiance of God—the open defiance of His power—the personal insults offered by man to the Supreme Being, braving his vengeance—which occurred in the lectures of the paid lecturers of this society, were absolutely horrid. He had heard of more than one instance. He had heard of an instance of a female lecturer, not absolutely defying her Maker, but putting forth all the horrid and abominable pollutions of this society. But he must call the particular attention of their Lordships to one instance, and also the attention of her Majesty's Ministers to the periodical paper of this society. Whatever might be said of the other publications of this society, that they did not reach the impenetralia of Downing-street, that paper must reach Downing-street, or at least must reach the officers of Stamps. The noble Marquess (Normanby) shook his head. He would tell the noble Marquess how that paper must reach the Stamp office. By an act of Parliament, all newspapers must go to the Stamp-office; and he was able to say, on the authority of a person who had entered the Stamp-office that day, that the *New Moral World* did go to the Stamp-office. He therefore said that the Government had no right to be ignorant of that journal. That publication abounded in principles of the most tremendous nature; the audacity, however, of their exhibition, had been on the decline within the last few weeks. He could not conceive how it could be possible for any Minister of the Crown of England to have stated that it was difficult to put a stop to these publications, and to the progress of the society. Whatever else might be said of the difficulty of prosecuting for these things, those difficulties and those dangers did not exist in respect of the papers of which he was speaking—the periodical papers and newspapers. The law of the land had wisely armed Government with the means of putting down such publications without bringing them often before the attention of the people. It would be in the recollection of their Lordships, that about three years ago an act passed lowering the price of stamps on newspapers; they would also recollect that the decent part of the public press were much alarmed, lest the consequence should be to give countenance to publications of a mischievous character. He had it on the authority of a gentleman that the noble Lord, then the Chancellor of the Exchequer, not now present, but he would nevertheless state the fact, and perhaps some noble Friend of the noble Lord would tell him of it—he had it on the authority of a gentleman who was the chairman of the deputation of provincial newspaper proprietors, who appealed to the Chancellor of the Exchequer on that occasion to reduce the duty on stamps and amend the laws relative thereto, that

> "He had had several interviews with the Chancellor of the Exchequer, Mr. Spring Rice, on the subject, when he (the Chancellor of the Exchequer) assured him that one great inducement to reduce the duty on newspapers was to put down the unstamped press, by making the duty so low that the fair-dealing tradesman should be placed on a level with him who avoided it. But what was more important, that he intended, under the advice of the officers of the Crown, to insert clauses in the intended act to give those powers to Government which would enable them to suppress the unstamped press."

Those powers the Government now possessed, and if their Lordships referred to the 19th clause of that act, and to the 22nd clause, which enabled the granting of warrants to search for unstamped newspapers and concealed papers, they would find the power there set forth.

Viscount *Melbourne*. Are these newspapers unstamped? Do they go to the Stamp-office?

The Bishop of *Exeter* did not know; he was told they went there. He had got several there, if the noble Lord wished to see them. He had never seen one of those papers that was stamped; and when he told their Lordships that they were sold for 2d., he was quite sure that they could not pay the stamp. But supposing they were stamped, and came within the cognizance of the Government, it could have no difficulty in ascertaining their contents, and he was sure it was the duty of the Government to proceed against them. If the Government ascertained their contents, it must admit, that these periodical publications were the most blasphemous and obscene that the pen of man ever penned. A single conviction would enable the Government to take the strongest course against such publications, it could seize the presses and all the copies, besides inflicting enormous penalties to which the parties were liable. If they were stamped, they might be very easily punished at law. He must say, therefore, that all the observations they had heard of the difficulty of proceeding against those publications fell to the ground. The objection also that prosecution gave publicity fell to the ground, because by these proceedings these publications might be restrained or suppressed by law, and a great part of the injurious matter which they contained would be done away with. Would their Lordships permit him to say what Socialism was? He had spoken of it generally as a scheme of blasphemy and immorality, but in very many instances where it had polluted the minds of individuals it was not found absolutely free from other things. Socialism and Chartism went very much together; but where they did not go together, and where it did not absolutely produce the effect of making all who had access to it, believers of its foul doctrines, even there they found it produce very ruinous effects. A clergyman at Birmingham told him,

> "Socialism as such is not much increasing; but infidelity is, through the Socialist missionaries, the bitterest enemies of revelation and all established institutions. Their publications are fifty or sixty in number; no fewer than half a million were dispersed in May last, and the circulation of them is greatly increasing. Mere exposure of them will have done harm unless they are put down by the strong arm of law."

In that he concurred. He had a personal feeling on the subject. Whatever might be the vote of their Lordships that night, whatever might be the conduct of her Majesty's Ministers, he should not reproach himself for the course which he had taken. He had stood forward from a sense of duty, and made known to the Government of the country what was due in the deplorable state of society which existed, and to which he now ventured earnestly to call their Lordships' attention. Though he felt rejoiced that he had taken a step of which his conscience approved, yet he should feel most unhappy if, after having taken that step, with a view to induce their Lordships to urge Government to take steps to put a stop to these proceedings, he should not be successful. A clergyman of Leeds told him—

> "Though I do not fear the advance of Socialism, properly so called, I look with horror to the fact, that they (the Socialists) are preparing and circulating the most horrible books and tracts, many of them written in a style so specious, as not to disgust the reader, and oftentimes with a kind of pretence to science."

They allured the more decent and intelligent operatives by having scientific lectures given at their places of meeting. A Dr. Epps, a lecturer on physiology, had given lectures in one of the Socialist institutions in this great town, calculated to impose on the minds of all. But their Lordships would do very little good by expressing their opinions of, or punishing, or even putting down, this society: for, if put down, the wickedness of men's hearts would lead them into some other mischiefs, unless they had recourse to those sanative measures which alone would put an end to this subject. A friend of his, writing from Birmingham, said there were 180,000 souls, and that their number was annually increasing to an enormous extent; and of these 180,000 souls, there was only church room for 24,000. While this was the case, could they wonder that the wickedness of man should be thus prevalent? It they were in earnest to put it down, they must be prepared to go to the full charge of it on the country—the country which called itself Christian. He went to the full extent of saying that the country ought to be put to the charge of giving to the inhabitants of large towns the means of knowing that there was a God, or they (the people) would make them feel, to their cost, that there was a devil—a devil in man. He might adduce to their Lordships extracts to show their doctrines from their own book. The *London and Westminster Review* of April, 1839, says—

> "Owenism, in one form or other, is at present the actual creed of a great portion of the working classes."

Among other expedients to spread their doctrines was the circulation of their paper, the *New Moral World*. In a report of the Central Board of the Congress it was said,

> "It is of the utmost consequence to the welfare of the association, that the organ between it and the public should be not only improved in its quality and capabilities for giving intelligence, but also that its publication be so conducted as to insure an increased circulation."

Its circulation was not less now than 2,000.

> "There should be established in each branch a tract committee, whose business it should be to circulate them in every possible way—by gifts, loan, or sale. It may be safely stated, that upwards of half a million copies of various publications explanatory of our principles have been issued during the past year, of which about 360,000 have been published by the Central Board and London Tract Committee."

And here he had to state that two clergymen in different parts of England, one in Staffordshire and the other in Suffolk, on conversing together, found that each had had packets of tracts distributed in the streets of their towns, advocating the principles of the Socialists. Now they had put another tremendous engine in force; they had established

> "Social day and Sunday schools upon the most improved principles, in which facts only shall be communicated unmixed with sectarian principles."

But they did not confine themselves, as he had already said, to irreligion and immorality; they embodied amongst their number many Chartists. In the new community, established at East Tytherly, on Sunday, January 26, 1840, the following proceedings took place. Mr. Finch, who, he must say, was a man of considerable property connected with the trade of Liverpool, and who was understood to be one of the individuals who tendered 10,000*l.* towards the cause of the Socialists, was the governor of the new establishment in the county of Hants, and he attended on the occasion. He spoke on the authority of two gentleman named Brindley and Tomkins, who said:—

"The proceedings commenced with their 10th hymn, sung to a sacred tune—a parody on one of the hymns of the church service. Mr. Finch then read, as is usual with them on the Sunday, what they call a portion of Scripture. Could not tell what book he pretended to quote; but it was to the disparagement of Christianity, showing how little it had progressed compared with the various heathen systems. Another hymn was then sung, the 32nd in their book, to a sacred tune. The lecture was next given. He said he would take for his text that portion of what was called the Gospel which declared 'He that believeth and is baptised, shall be saved, but he that believeth not, shall be damned.' Gospel signified good news, glad tidings. He would show that the Gospel of the New Testament contained the worst news for man that could be brought him. It represented God as taking delight in damning men throughout eternity, as roasting and frizzling them alive in hell for ever. He was a fierce and cruel God. It spoke also of a devil; but did they believe such nonsense? Did they ever see a devil, or smell a devil, or chew a devil? Then it also told them of a heaven, where the few that reached it were to be engaged in singing and shouting, and falling on their faces and blowing trumpets throughout eternity, who would want such as a heaven as that? He (Finch) believed the whole thing was a fiction. Socialism the only true gospel and he that believes this gospel will be saved from all future want, and care, and toil. The Gospel of the Christians was a mock Gospel. He said much to excite them against their employers and persons of property. Told them, 'They produced all the things which those persons consumed:' that 'they were kept in pining, want, and wretchedness, while the others were rolling in wealth, and living in idleness.' He again referred to the Bible, spoke of David with many obscene expressions, and then ridiculed the psalms which, 'that hypocrite wrote:' said 'the Bible was a most filthy and immoral book;' that 'for one God saved, it told them the devil damned twenty.' 'He could not believe in a God damning us for what he had made us to do and be.'"

He repeated, that he felt himself bound to produce this specimen of what had taken place in the new establishment. That detestable establishment must be put down; it could not be endured, or the Government ought not to be endured, if it tolerated that society. He would now give a specimen of the articles in the *New Moral World*, published so late as the 25th of January last. Speaking of the new establishment in Hampshire, this paper stated:—

"Success is certain, and an ever increasing happiness is in store for all the poor hell and poverty tormented victims of error and misery. Continue your determined opposition to the old world, its habits, its customs, its religions, its institutions."

It was a common thing for Chartists and Socialists to meet in the same rooms, and the leaders of the one body frequently assisted the leaders of the others on public occasions. For example:—

"At the Socialist Institution, Birmingham, the female Chartists meet every Monday evening, and the male Chartists every Tuesday evening. At Bradford, the Chartist leader Barker is also an adopted advocate of Socialism, and was sent by the Socialists to oppose Mr. Brindley in his lectures there. At Halifax and other towns in the north it has been the same. The Socialist newspaper, and the Northern Star, the Chartist paper, are both printed at the same place, by Hobson, Leeds. At Dudley, they frequently used the same room as the Chartists, the two bodies being nearly co-extensive."

The Socialists, in the commencement of their career, put forth (as is commonly the case) the political or economical features of their system, keeping back their religion until the former shall have made their impression—unless compelled to produce them by an opponent in dispute. Mr. Cook, the leader of the Chartists, in Dudley, was also the leader of the Socialists. Cook has been lately committed to Worcester gaol for his support of Chartism. The Socialists also ran down every passage in the Scriptures which taught the duty of subjects to their rulers. In a speech delivered by a Socialist, a charge was brought against the Christian religion because it sanctioned the division of men into classes of higher and lower, master and servant. Such principles do these people entertain in opposition to all earthly government, and as for heavenly government, they cast that aside as too contemptible to be considered for a moment. That such doctrines were productive of evil, their Lordships could hardly entertain a doubt. He did not mean to inflict upon the House a large number of cases showing the evil consequences of these doctrines, but he felt it to be his duty to state a few:—

"At Birmingham, a man who, previously to his becoming a Socialist, was a good husband and good parent, after he joined the Socialist body, became so brutal and immoral in his conduct, that at length his wife, having remonstrated with him, he threw her out of the window, and her life was for some time despaired of. The man was apprehended, tried, and found guilty of the offence, and sentenced to transportation for life." "At Liverpool, a Socialist now stands committed on a charge of murdering an infant child of his by his own sister."

The noble Viscount said, that this was merely a charge. He only stated it as a charge; he did not say the man was guilty, but there was such a *primâ facie* case against him, that the magistrates had thought it their duty to commit him. He was only showing the tendency of these doctrines to produce crime, and though the noble Viscount might hug himself on the notion that the man was not convicted, he had yet enough of indisputable cases to give to the noble Viscount. He had on a former occasion detailed to the House the suicide of a poor apprentice at Wolverhampton. Since then he had received from the uncle of that youth a letter, from which the following was an extract:—

"I would to God that those who advocate the diabolical doctrines of that arch fiend Robert Owen, could feel even for a brief period the agony—the hopeless, unmitigated agony—which fell upon our family circle from the enacting of the recent horrible tragedy. They might then, perhaps, ask their own hearts how that devilish doctrine deserved the specious appellation of 'Socialism,' which, by inculcating the principle of the non-responsibility of individuals, tacitly justifies such terrible acts as my poor nephew's self-destruction—acts that would shake all society to its base, and by teaching men to live and die only for themselves, would (putting aside higher considerations) destroy at one fell blow all truly 'social' principles and feelings. Even the poor deluded boy of whom I write felt somewhat of this; for he says, in his letter to his parents, after speaking of his own disgust of life, 'You will perhaps reproach me for not thinking of your sufferings, but I have weighed them against my own, and have struck the balance in my favour.' What can declare with louder tongue than this, the infamous character of Socialism? This boy, only fifteen years old—not sixteen, as stated—had been from infancy an exceedingly loving boy; between him and his parents the most glowing affection, as well as the most boundless confidence, existed; yet he could coolly prepare for them their deadly grief, whose power and extent he must well understand—he could thus readily, to save himself merely the trouble of life, inflict on them, and on all his relations, a wound no time can perfectly heal. Oh, my Lord, the fatal poison had changed a confiding, kind, heart, into a cold concentration of selfishness."

That was the expression of the feeling of a near relative of the unhappy youth. In the neighbouring town of Coventry a case somewhat similar had also occurred, in consequence of these accursed doctrines. He would read the deposition taken before the coroner:—

"On the previous evening the deceased told me, that he had been to the Socialist Society, and that he coincided with them in many things, and gave me some papers, which I now produce; they are entitled *Social Tracts—Man the Creature of Circumstances.* No. 4. *The Religion of the New Moral World.* I expressed my wonder at his going; he said that he went from curiosity. Yesterday he told me, that he had accompanied a person of the name of Norman to a house in Coventry, and that he (Norman) had a glass of gin, and he (Staveley) a glass of gin and milk. Staveley did not appear to me to be intoxicated, but rather in a stupid state. Staveley did not believe in Christianity, and he has often threatened to cut his throat.—Verdict, 'Temporary insanity.'"

The Norman mentioned in the deposition was emissary of the Socialists. He would only give another instance of the fatal effects of these doctrines. At a trial at Worcester there happened to be on the jury a Socialist, and he was said to have held that the party accused of crime ought not to be punished for doing that which he could not help, and he found another person on the jury weak enough to agree with him. He had this story from high authority; and he knew that the circumstances occurred with the directions given to parties by the Social works, for in the *New Moral World* he found the following passage:—

"Under the present distressed circumstances of the operative classes, when the influences which surround them are of a nature to stimulate them to actions—conventionally named crimes—it seems peculiarly appropriate to republish the following paper; we recommend the reasoning it contains, to the serious attention of all whose position may place them in the jury box."

And then came the following passage:—

"With these convictions, and after long experience of the inefficiency of a system of blind vengeance, injurious alike to the well-being of the state which sanctions, and to the offenders who are compelled to become criminals by the associations with which they are environed, and from which the society that punishes offers them no means of escape, no refuge—I cannot conscientiously lend myself to punishments which all experience has proved inadequate to reclaim offenders or to repress crime."

Such was the doctrine addressed to jurors: they were told to care not to forward the laws of the land, and not to punish acts conventionally called crimes. He thought he had stated enough to get rid of any of those common objections to the punishment of such doctrines which were urged on the last occasion he had the honour to address their Lordships. One of those objections was certainly not common place, but of a very rare and singular character; it was what he could not have expected to be said by any man, and least of all by the prime Minister of her Majesty. Their Lordships would recollect, that the noble Viscount at the head of the Government said, that he could not agree with those who argued that doctrines, because they were absurd, might not be mischievous; he admitted, that the subject was full of difficulties; but he added, that this unrestrained and unpunished press was a great experiment. So that, in fact, the religion and morals of the country were to be left to take their chance in the working out of this great experiment. The noble Marquess at the head of the Home Department did not talk in that way; he had confidence in the good sense of the people, and he said, that if anything would give currency to these pernicious doctrines it would be persecution. By whom had persecution been suggested? Had he (the Bishop of Exeter) ever intimated a wish, that any course should be taken excepting that of the enforcement of the laws, which it was the peculiar duty of the noble Marquess to enforce? He had never recommended any other course; but that was persecution. The noble and learned Lord (Brougham) went still further; but he should not allude to what fell from that noble and learned Lord, because he had left the House. He was not surprised at the noble and learned Lord's absence, for he probably did not wish to hear of these matters again. He must be permitted to say, that there was a wide difference between blasphemous and seditious publications, and in the danger to be apprehended from punishing them. He admitted, that the prosecution of a seditious libel must at all times be matter of grave consideration. It was essential to attend to the state of public feeling at the time, so that it might not be exasperated by seeking for convictions, when there was not a reasonable chance of obtaining them. But such considerations did not apply to blasphemous publications; and the Government never could be justified in permitting with impunity — if they could prevent it — the diffusion of any opinion, blasphemously injurious to that God by whom princes reigned and decreed justice. These Socialists believed in no religion, which was the sole foundation on which the Government stood. The whole frame of society rested on religion. Every judicial proceeding, every security that bound man to man, depended on the sanctity of an oath. Therefore on no occasion ought blasphemous publications, if they could be prosecuted with effect, to be passed over. He said this with confidence, because his statement was consistent with reason, and also with an authority, which he should presently cite. This was a matter which had been before under their Lordships' consideration. An Act passed in 1819, to which considerable exceptions were taken at the time, as it inflicted a punishment almost unknown to the law of England, viz. that of banishment, when a party was twice convicted for blasphemous publications. What was the line of argument pursued on that occasion by the party in opposition? Was it that the Government should not prosecute? No. They said to the Government, "Why propose this unprecedented measure, this innovation on British jurisprudence, until you have exerted all the powers of the existing law?" In the debates on this bill, Lord Grey reproached the Government for not enforcing the old law against blasphemy, instead of asking for new laws. He complained that such publications had not been prosecuted, as they ought. Lord Erskine, too, said,—

> "The controversies of the numerous sects of Christians, however widely differing from the doctrines of the national church, were completely and rightly tolerated. Nothing in such discussions were considered to be blasphemous; but as to direct and indecent attacks on the truths of the Christian religion, on which the whole constitution of the state was founded, they were severely and justly punishable by the law as it stood, and ought to be most rigorously enforced. The poor man surrounded by his children crying for bread, when he had none to give them, would have no other consolation than by looking forward to the hope which Christianity afforded. How cruel, then, how intolerably

wicked, to disturb such pious faith, and to disqualify the people for the performance of their duty to the state. He would support, nay, go before his Majesty's ministers in putting down such pernicious publications; nor was there the smallest difficulty in accomplishing it. This was most clearly proved in the total suppression of another species of libel, formerly most destructively prevalent, and equally injurious to morals as blasphemy itself. When he came first to the bar, obscene publications, ruinous to youth of both sexes, were as openly exposed to sale in London as at the Palais Royal in Paris; but a private society, without even the aid of the great resources of the Crown, completely succeeded in putting down this odious nuisance. The existing laws he himself had found triumphant against them, when he represented that body in the Court of King's Bench, and they were now never seen and scarcely ever heard of."*

The noble Marquess (Lansdowne) near him, also gave to the debate the benefit of his authority. His Lordship

> "Complained that they were called upon to pass this bill without any information of the inefficiency of the existing law—nay, on the contrary, the documents laid on the table proved, that not merely no extraordinary energy, but that not even common steps had been taken to check the shocking licentiousness that had tainted the press; and that it was not until December, 1818, that any steps had been taken at all."†

These sentiments were delivered, not merely in the excitement of debate, but were embodied in a protest against the second reading of the bill, and the first reason of that protest was as follows:—

> "Because we believe that by a seasonable exertion of the laws, as they at present exist, the press cannot be abused to any bad purpose, without incurring suitable punishment.‡"

This protest was signed, among others, by Lords Grey, Erskine, Vassall, Holland, Minto, and Lansdowne. In the House of Commons the objections to the bill were mainly founded in "the want of due energy of the Crown officers in exerting the existing laws." He need not remind their Lordships that these were the sentiments of Sir J. Mackintosh, of Sir S. Romilly, and all the great friends of the liberty of the press. He would appeal to another and more recent authority. In a debate which took place in the other House, on last Friday, Lord John Russell was reported to have said, that

> "No complaints of the disturbed state of the country had been made last session, when he was employed day by day in providing against the dangers that then threatened it He was inclined to ascribe those dangers to the existence of a large and uneducated population in those great cities, which had sprung up within the last 100 years, exposed to the temptations of an advanced state of society, and the violent language of an inflammatory press. It was difficult, then, to stop the excitement created by large meetings and an inflammatory press."

After speaking of the six bills of 1819, he added, that

> "He had been bred in a different school; he had been imbued with the principle stated by Mr. Fox—that on the recurrence of such disorders it was necessary to put the law in force, to proceed against the parties amenable to law; and that there was something in the strength of the law, and the vigour of the constitution under which we lived, sufficient to meet these disorders without violence to the liberties of the country. In that belief he had proceeded; he had followed the views of Mr. Fox, Sir S. Romilly, and Sir J. Macintosh."

He was glad to find that the Attorney-general in this country still had power and the Crown still possessed some prerogative. An *ex officio* information had been filed last term against an individual for a libel, and such being the case, he was sure that if the learned Attorney-general were to see the slightest portion of those sentiments which he had found in these books, and part of which he had read to their Lordships, that learned person would feel it his duty to proceed against the authors of them—he was sure that the learned Gentleman would not be permitted to proceed against Mr. Feargus O'Connor, and to leave unnoticed the detestable and impious libels which were now put in circulation by means of this society. He (the Bishop of Exeter) had stated to their Lordships great authorities in support of his views; he had still great authority to offer—the authority of experience, which shewed that the adoption of measures by the Government would be successful, and that the discussion of the subject in their Lordships' House was not without its utility. On Sunday, January 26th, a Mr. Hawkes Smith, a lecturer of this society, who had given 50*l.* in aid of its funds, had addressed a meeting of the body in terms of warning and caution, in consequence of the notice which had been excited to their proceedings; and on Sunday evening last, in another meeting, as he had been told, on the authority of a person who was present, the lecturer spoke with more than usual caution, and gave notice that the lecture on Sunday evening was illegal and would be discontinued in future. Having said so much, he thought he had shewn, on the highest grounds of reason, of the authority of the greatest men, and of experience, the propriety and necessity of the course he advocated; for as the slightest apprehension of the execution of the law was sufficient, as he had shown, to check the mischief, so the due execution of the law would certainly put an end to it. He had in his hand the first act of her present Majesty's reign—the proclamation for the encouragement of piety and virtue, and for the preventing and punishing of vice, profaneness, and immorality. It ran thus:—

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* Hansard, vol. xli. p. 708.

† Ibid. p. 713.

‡ Ibid. p. 747.

"Victoria Regina.—We, most seriously and religiously considering that it is an indispensable duty on us to be careful above all other things to preserve and advance the honour and service of Almighty God, and to discourage and suppress all vice, profaneness, debauchery, and immorality, which are so highly displeasing to God, so great a reproach to our religion and Government, and (by means of the frequent ill examples of the practices thereof) have so fatal a tendency to the corruption of our loving subjects, otherwise religiously and virtuously disposed, and which, if not timely remedied, may justly draw down the Divine vengeance on us and our kingdom; we also, humbly acknowledging that we cannot expect the blessing and goodness of Almighty God (by whom kings and queens reign, and on whom we entirely rely) to make our reign happy and prosperous to ourselves and our people, without a religious observance of God's holy laws—to the intent, therefore, that religion, piety, and good manners may (according to our most hearty desire) flourish and increase under our administration and government, we have thought fit, by the advice of our Privy Council, to issue this our royal proclamation, and do hereby declare, &c.; and we do expect and require that all persons of honour, or in place of authority, will give good example by their own virtue and piety, and to their utmost contribute to the discountenancing persons of dissolute and debauched lives, &c.; and for the more effectual reforming all such persons who, by reason of their dissolute lives and conversations, are a scandal to our kingdom, our further pleasure is, and we do hereby strictly charge and command all our judges, mayors, sheriffs, justices of the peace, and all our other officers and ministers, both ecclesiastical and civil, and all other our subjects whom it may concern, to be very vigilant and strict in the discovery and the effectual prosecution and punishment of all persons who shall be guilty of excessive drinking, blasphemy, profane swearing and cursing, lewdness, profanation of the Lord's day, and other dissolute, immoral, or disorderly practices."

This was the first act of her reign, done by the Queen, with the advice of the noble Viscount, and he (the Bishop of Exeter) now called upon the noble Viscount to take those steps which he then advised his Sovereign to command himself and all other officers of her Majesty to put in force. The right rev. Prelate concluded by moving that an humble address be presented to Her Majesty in the terms which the right rev. Prelate stated at the beginning of his speech.

The Marquess of *Normanby* thought it perfectly consistent with those feelings of disgust which he expressed on a former occasion, at many of the circumstances and much of the language introduced to their notice by the right rev. Prelate, and which expressions of disgust he then repeated—he thought it perfectly consistent with those feelings of disgust, if he endeavoured to convince their Lordships that the right rev. Prelate had stated no grounds for the very extraordinary step which he had called upon their Lordships to take on this occasion. The right rev. Prelate founded this proceeding upon what he called doubt and distrust of the conduct of Government on this subject, and he thought he should be able to prove, that the right rev. Prelate, in the few isolated statements from letters, which he called evidence, which had been adduced, had made out no case, and had stated no grounds for this proceeding. The right rev. Prelate had, he would not say perverted, but certainly misrepresented, although, no doubt, unintentionally, the language which he had addressed to their Lordships on a former occasion. The right rev. Prelate stated, that he had concluded by saying, that he did not think it probable that he should feel himself called upon to take those steps which the right rev. Prelate had recommended. Now, he begged their Lordships to recollect what was the tone of the right rev. Prelate on that occasion, and what were the steps recommended. There was no question for their Lordships to decide as to what Government ought to do when illegal acts committed by this body were brought to their notice, for, on the very first occasion he gave the most distinct assurance that Government would take proceedings when such illegal acts were brought to their notice. But the right rev. Prelate called upon their Lordships to proceed against these societies, as being illegally constituted. The right rev. Prelate admitted, that as far as the constitution of the society in question was concerned, as far as their known rules and regulations were concerned, that society was not illegal. [The Bishop of *Exeter :* No, no !] Their Lordships would recollect the strong horror and detestation which he expressed, and which he felt at the doctrines of Socialism, as they had been described by the right rev. Prelate, and he had also stated that the attention of the Government should be directed to the subject; but, at the same time, he explained that the Government of this country was not a government of centralization, that these things might occur in distant parts of the country without their necessarily coming to his notice; and he further added, that he considered that it was the duty of the local authorities, of those who were intrusted with the local government and with the preservation of the peace of their districts, to warn the Government of what took place, and to represent the nature of such publications as those described by the right rev. Prelate. The right rev. Prelate stated, that at the conclusion of his observations on the last occasion, his tone was altered. He utterly denied, that his tone had altered from beginning to the end of the discussion. His tone might vary according to the different parts of the subject; but it had never altered upon any occasion as to the feelings which he entertained with regard to the doctrines of the Socialists, and the necessity of putting them down, provided their doctrines went to the extent which the right rev. Prelate had represented. But he admitted he might have used a different tone as to the wisdom of the course pursued by the right rev. Prelate, in the manner in which he brought this matter before the House; and he might have addressed himself in a still more different tone as to the accuracy of the right rev. Prelate's information, the fairness of his inferences and the charity of the imputations which he had thrown out. The right rev. Prelate had alluded, as a proof of the indifference of Government on this subject, to the statement of a person of the name of Fleming, made at Sheffield. If a delegate at Sheffield chose to address a meeting, and for the purpose of advancing an object, stated what there was no foundation for, was that a ground upon which this motion of the right rev. Prelate was to be justified ? The right rev. Prelate charged the Government with having received an address from Newcastle. The right rev. Prelate did not read the answer. All he would say was, that if such an address had ever been received from such a body, there was merely a formal acknowledgment, as otherwise the matter must have come before him. The right rev. Prelate also stated, that because a prompt acknowledgment had not been returned to a letter from a clergyman on this subject, by his noble Friend at the head of the Government, that that was a proof of the way in which the clergy would be received if they followed the course, which, on a former occasion, he had recommended. He should have something more to say upon the subject of that clergyman, with reference to whom that recommendation had been made, as his reason for repeating his opinion, that that reverend gentleman would have best done his duty, if he had represented these circumstances to the Home-office at the time they occurred, instead of withholding them for six months for the use of the right rev. Prelate. He begged here to refer to the case of Mr. Pare. He had stated on the last occasion, that Mr. Pare had been appointed by the registrar-general to the office of superintendent registrar of Birmingham, before he had any ostensible connection with the Socialists, and before he held any office under that body. He understood that Mr. Pare had been recommended to the registrar-general by a majority of the guardians of the poor by 64 out of 93, he had been recommended by several most respectable persons, of all political parties, and, amongst the rest, by the two Members for Birmingham. Mr. Pare having been called to town in consequence of what had occurred in that House, he had put three questions to him—questions naturally arising out of the circumstances that had occurred. He asked Mr. Pare whether he had been present at any meeting when the question discussed was the existence of a God—whether the truth of the Bible had ever been a question at issue at any such meeting, and whether he had heard the circumstances alluded to by the right rev. Prelate, namely, that one of the questions discussed and put to a division was the responsibility of the murderers of Lord Norbury, and the answer was, that they were not responsible. To all these points, Mr. Pare gave a distinct and specific denial. He told Mr. Pare, that although his answer tended to clear his moral character, yet that it should not influence his decision on the ultimate question, as to whether he could permit a person holding the office of superintendent registrar, also to take upon himself the office of vice-president of such an association. He told Mr. Pare, that without entering into the question as to whether the system of such a society tended to upset and destroy the frame-work of society or not, his opinion was, that a person who was ostensibly put forward as associated with others in the propagation of such opinions as appeared to be entertained by that society, was not a proper person to be employed by those who were determined to maintain the existing order of Government. He would come back to the question respecting this clergyman, to whom the right rev. Prelate had alluded, and he must repeat, that he did not think that that reverend clergyman had done his duty. Why did not that gentleman communicate with his diocesan, or with the Government, if he were present upon those occasions to which he had alluded, and cognizant of the proceedings that had taken place? He was sure, that all their Lordships who had heard the right rev. Prelate's defence of that clergyman, would have imagined that he was a person of the most retiring habits—a minister of the gospel who had been dragged unwillingly forward on this occasion—one who had felt it his duty to watch in secret—and one who would feel that he was risking utter destruction if he exposed himself to the vengeance of those Socialists whose proceedings he denounced. What would their Lordships say when he said, in the face of the right rev. Prelate, and without fear of contradiction, that this very clergyman was the opponent lecturer of Mr. Pare on the occasion to which he referred. [The Bishop of *Exeter:* Mr. Pare presided.] He was the opponent of Mr. Murphy, but the terms of the contest were arranged between the clergyman, Mr. Foy, and Mr. Pare, and what was more, Mr. Pare was actually invited upon that occasion, to take the chair by Mr. Murphy and a friend of Mr. Foy. He did not defend the conduct of Mr. Pare, he thought such conduct was most improper in a person holding his office, but he did say, that he considered that he was justified in the observations he made on a former night, that Mr. Foy would in the first place have done his duty by abstaining from taking part in such proceedings; and in the next place, that it was his duty to have communicated at once to the Government such facts as it now appeared had then come to his knowledge. It was not to to be said, that clergymen were to turn police, or to act as spies, but he did not see, that it would be more unbecoming in Mr. Foy to do so, than to act as he had done; first to take part in the proceedings of those persons, and then withholding information from the Government, to pursue the course which he had thought proper to adopt. He conceived that Mr. Foy had been a party in the scene which he himself condemned—he had joined in the exhibition which was got up between him and another person, and he had consented to take a part in it. The right rev. Prelate had condemned the Government for not having information upon those subjects, because he said they were to be found in stamped newspapers. [The Bishop of *Exeter:* No, no!] The obvious meaning of what the right rev. Prelate had said was, that the Government must have known what was in these papers, because they went to the stamp-office. [The Bishop of *Exeter* had distinctly said they were not stamped.] He left it to the right rev. Prelate to explain what was precisely his charge against the Government upon this point. Although he thought that there was exaggeration with respect to the doctrines of the Socialists, yet upon the most mitigated view of them, it must be admitted, that they were such as no one could look upon without horror and disgust. They appeared to be so even by the documents which had been placed in his hands, for his justification by Mr. Pare and he must say of them that they were such as called for the serious attention of the Government. He found amongst those documents a "Report of the proceedings of the Fourth Congress, held at Birmingham." That was given as a justification of Mr. Pare, and though it was true, that there was nothing insulting to religion reported in the publication, yet there were sentiments put forth with respect to the established faith which he said were not proper, and that the person entertaining such sentiments should not be countenanced by the Government. The question proposed at this congress was to the effect, whether hereafter there should be admitted into the community of national religionists persons who did not profess its principles, though they acted up to much of its practice. A long debate ensued, in which Mr. Pare took a part, and by which it appeared that Mr. Pare was against admitting persons belonging to the Christian religion. It appeared by the same report that Mr. Owen was more inclined to admit persons professing the Christian religion than Mr. Pare. Although the language was not that which would at once shock the reader, yet the entire report showed that the principles of the society were such, as that the persons who maintained them should be marked, at least so far as to be discountenanced by a Government, which wished to uphold the established religion, the existing faith, and the social relations of life. Where doctrines such as the right rev. Prelate had described were promulgated in the different parts of the country, he recommended that the persons in authority there should act in pursuance of the excellent advice which had been given by the noble Duke opposite to his neighbours in the county which had the good fortune to have him as Lord-lieutenant. The right rev. Prelate had stated, and it was to be hoped erroneously, that the system was likely to make great progress. He did not think so. It had been a great length of time promulgated in this country, and it had not made that advance which the right rev. Prelate had apprehended. The right rev. Prelate was very likely to be misled, if he took his authority from the books of the disciples and propagators of this system, to exaggerate their influence and progress had been their constant and uniform practice. It would be found in the book of the *New Moral World,* that as long ago as 1836 there had been an address from Mr. Owen to King William 4th., in which the prosperity of the society was much boasted of. That was the language of Mr. Owen, who was very sanguine, though as he believed there were as little grounds for his being sanguine as for the paper which had been put into his hand yesterday, which was called a manifesto of Mr. Owen's principles. In that manifesto it was stated by Mr. Owen, that great encouragement to his plans had been given by the late Sir Robert Peel, and it was also stated, which ought [to be mentioned in justice to the present inheritor of the name, that upon Mr. Owen spending a day with the late Sir Robert Peel, that gentleman suggested that they would see what impression would be made upon the present Sir Robert "after dinner," and Mr. Owen afterwards admitted that the present Sir Robert had not sufficient experience to compass such a subject. He might quote the authority of the present Sir Robert Peel in favour of the course pursued by the Government. That right hon. Gentleman had said very lately he would not prosecute Mr. Owen; that is, Mr. Owen not doing an illegal act, he did not feel disposed to prosecute him for the extravagant opinions which he was promulgating. He did not, then, see any probability of any Government being successful if induced to take the course which the right rev. Prelate recommended, of a general prosecution of the society for its illegal constitution. He found that there was some little difficulty in tracing out the connection of one publication of the Socialists with another. He held in his hand a tract, in which the abominations of Socialism were exposed. It was written by a Mr. Barker, who had taken every opportunity of opposing these persons, and from his pamphlet this consolation was to be derived—that Socialism was not on the increase. So lately as last December, Mr. Barker said that all their plans had failed, and that all who had joined in them were losers by them. In London he himself believed that Socialism was decidedly on the decline; although, since the right rev. Prelate had addressed their Lordships, the meetings of the Socialists had been more numerously attended. He had received this information from very competent authority—that of the police. The meetings were more frequently held than they were some years ago; yet the whole number of Socialists was not so great as it had been at that period. When the right rev. Prelate gave himself credit for having given a check to the Socialists, it must be admitted that he had also given them very much importance, as the meeting at Manchester proved. In a letter read there, it was stated that if they had books on Socialism at hand, it was requested they should be sent up to the writer, as no doubt there would be a great demand for them, in consequence of the speech of the right rev. the Bishop of Exeter. Such was the opinion of the Socialists themselves. He must add that at the office at which he was at the head, there had been no reports received from clergymen or magistrates, to show that there had been an increase of Socialism throughout the country. He ought to add that he had received from the chairman of a quarter-sessions, which perhaps it would not be convenient at that moment to mention—a parcel of tracts addressed to clergymen of all denominations, containing gross and ribald attacks upon the Christian religion, and all creeds. He had at once referred them to the professional authorities; and he had now to add, that these blasphemous libels were under the consideration of the law officers of the Crown. That was the first official information that had come to the Home-office of the prevalence of publications of this kind, and such were the steps that had been taken in consequence. Such steps, too, would be taken as often as the occasion required; and such the Government was prepared to pursue. Under the circumstances, however, he did not conceive that the right rev. Prelate had made a special ground for any extraordinary interference on the part of their Lordships. The motion of the right rev. Prelate, he perceived, had been altered from a direction to proceed with a prosecution into one of enquiry. If they had a committee, these parties should appear before them to defend their doctrines. He entreated them, then, to leave the case of these persons to be dealt with according to law. If those persons violated the law, they would be prosecuted. If they did not violate the law no inquiry that they might institute would have any other effect than long discussion, to give too much publicity to doctrines that were most objectionable, and which never could meet with encouragement from any portion of an enlightened population.

The Archbishop of *Canterbury* had no intention of entering into a discussion of this question that night, and at that late hour, as he was sensible that nothing he could say, could add to the force of that very clear and very full statement which had been made by his right rev. Friend, or that he could add to any of the arguments in the statement which was so powerfully illustrated by his more than usual eloquence; nor should he endeavour to add to the horror with which their Lordships must have heard that statement; but he should think himself wanting in his duty if he could suffer that opportunity to pass without expressing his thanks to the right rev. Prelate for the exposure of those doctrines. The right rev. Prelate was certainly entitled to the thanks of the country, for the eloquence and the ability with which he had called their Lordships' attention to this most important subject, for most important he did maintain it was. He said so, whatever might be the smallness of the numbers of this society. He admitted that their numbers were small, as compared with the population; but they were not small as compared with their beginnings a few years ago. At the beginning of their proceedings was the individual whose name had been so often mentioned that night. That individual he was sure, entertained the very same sentiments then which he did now; but he did not go so far in developing them. Many were then convinced that he was influenced by disinterested motives; but then he carried his opinions so far, though they did not go the length taken by the Socialists, that it was evident the tendency of his doctrines was to subvert the existing order of things, and all the institutions of society. The ideas of that individual appeared to be so absurd and extravagant that no one thought they could be carried into execution. They were considered as the extravagant speculations of an individual, which never could obtain any number of followers or converts. Yet, now, in what situation did they see him? There was a speculative enthusiast, who stood almost alone and unsupported but a few years ago, and who was now able to carry his schemes into execution. He stood at the head of an association, which was formidable from its principles, if not from its numbers, and which threatened to overthrow religion, and to spread its moral pestilence over the country. That speculative enthusiast had become the leader of an association that possessed means for purchasing estates in Hampshire and other places—that had money at command, not only to hire, but to erect suitable buildings for delivering their doctrines—which was able to establish itself in country places, and to infect the largest towns with its pestilent notions; and not only that, but which had missionaries that were of course remunerated, for they were employed in going over the country disseminating its pernicious tenets. That society, too, had a general congress, which met every year, at which all its preachers, to the number of fifty or sixty attended, made up their accounts, and reported all that took place in different parts of the country. If such had been the progress of the society or association, or whatever it was termed, in the course of a few years, how was it possible to assert that it would have no further extension, more especially when they considered what the doctrines of the society were, and that the missionaries were active, and, in many instances, intelligent—persons by no means deficient in intellectual cultivation; and then the doctrines they preached appealed to the passions. There was to be a community of property, and a community of women, and every moral obligation was dissolved—there was to be no such thing as duty; everything was to be influenced by necessity; and every motive that could influence the heart of man, by his having a belief in future rewards and punishments, was to be put an end to. How were they to limit the evil that had been done? How were they to stay the evil that it might produce? Let them consider what must be the effect that must be produced on unlearned and ignorant men, when they were told to despise all those instructions which were most calculated to influence the human mind. They did not know how many converts had been, or might be, obtained, not only amongst the lower, but perhaps amongst the higher classes of society; and then they were to bear in mind, that every convert made by these persons was a man lost to all those considerations which could make him a useful member of the state, and that he was deprived of all that could make him happy here, or insure his happiness hereafter. It did appear to him, by the admission of the noble Lord who had spoken last, that all the doctrines attributed to the society were proved. He desired no better evidence than what the noble Marquess stated, although it was given in softened language. The admission of the noble Marquess showed that no injustice had been done to the persons who were the subject of the present discussion. When such as these were the general principles of the society, and when they saw it already established in so many large towns, it was enough to strike one with horror; for instance, to hear that a petition was presented from 8,000 persons in Birmingham, avowing these principles. What stronger argument could be produced by the noble and learned Lord who presented that petition, and which, purporting to be a defence of the case, and intending to do away prejudices, yet showed that a number of respectable men had joined the society? The noble Marquess had admitted that the doctrines of the society were detestable and obnoxious, and the increase of them was to be looked on as a very great evil. But the question was, how were they to put a stop to it? What was to be done? He said, by the most merciful execution of the law. And for the course which the noble Marquess told them he had adopted in the one case, he was entitled to the thanks of the country. But then, at the same time, it was said that the publicity given to these matters, was rather calculated to do harm than good. He did not agree in that proposition. When an obscene person published a blasphemous or obscene work, the prosecution of him might draw notice towards him, and produce a sale for his book, which would repay him for the punishment he suffered. Such was not the case here, where he conceived, the exposure of the doctrines themselves would be useful, by exciting horror against them; for,

> "Vice is a monster of such hideous mien,
> That to be hated needs but to be seen."

There was no father of a family, nor any right-minded citizen, who considered Christianity as the basis of the prosperity of the country, who did not join in the reprobation of these doctrines. He believed, then, that the exposure that had taken place, though it might occasion a few meetings to be more numerously attended than usual—for whatever was the subject of discussion, it attracted curiosity for the moment—yet he still believed that the exposure itself would be the cause of general good. But so, it had been said, that it ought to be followed up by a due administration of the law, with respect to the publications of the character described by the noble Marquess; that was an opinion in which he coincided. Then, an objection had been made to prosecutions—that they created sympathy for those who suffered—that when a man was prosecuted, and suffered the penalties of the law, the people of the country would pity him. He agreed in that; for if a man were prosecuted for mere speculative opinions, or for private discussions—for instance, discussions between rival sects, or on religion itself, and that it was followed up with any animosity, and that it assumed the character of persecution—then it would be justly and deservedly hateful in the eyes of the people of this country. But in the present case he believed that, if they proceeded justly, lawfully, and with moderation, their proceedings would be approved of by the great body of the people, and all the sympathies of the people would go with the authorities who brought such persons to justice. With respect to the forbearance that had hitherto been exercised, he said nothing. He could only repeat what he had said before, that he thought the right rev. Prelate was entitled to the thanks of their Lordships and of the country, for the exposure he had made of the principles and proceedings of this association; and also for the very able observations he had made upon the course which he thought the Government ought to pursue.

The Bishop of *Llandaff* should not have taken any part in this debate, but for the allusion which the noble Marquess had made to the presence of a clergyman of the Church of England at the meeting of the Socialists at Birmingham, where the most impious and horrible doctrines were proposed for discussion, and openly maintained. That clergyman was described by the noble Marquess as being a party to the transaction. Indeed the construction which the noble Marquess seemed to put upon the conduct of the rev. gentleman was, that he was a *particeps criminis* in the misdoings of the meeting. Nothing could be more opposite to the rev. gentleman's conduct; because, instead of appearing to take part with the meeting, or to agree with them, or to act as a spy upon their proceedings, with the view of privately giving information where he thought it might tell against them, he openly and boldly opposed their doctrines upon the spot, and did the utmost in his power to resist the evil they were calculated to engender. He would only add, that if argument and reason were not sufficient to prevent the inculcation of such odious and dangerous doctrines, he hoped the law would be put in force.

The Marquess of *Normanby* begged to explain. All that he had stated of the clergyman to whom the right rev. Prelate referred was, that he was a party to the discussion. He was informed that the rev. gentleman had arranged the form and manner of the discussion. He was, undoubtedly, opposed to the principles of the Socialists, but he came forward to argue against them. He took a prominent and conspicuous part in the proceedings. Mr. Murphy was the chief on the one side; this rev. gentleman the chief on the other; and it was at the request of both, that Mr. Pare took the chair.

Viscount *Melbourne* having fully expressed his opinion upon this subject on a former occasion, should not have felt it necessary to trespass again for one moment on their Lordships' time, but for one or two allusions that had been made to him in the course of the debate of that evening. The right rev. Prelate, as an additional reason for charging the Government with neglect upon this subject, had referred to a very brief reply which he had given to a clergyman who had sent a letter to him, enclosing the title of one of Mr. Owen's pamphlets. He had answered that letter according to his usual custom, and if the charge of discourtesy could be maintained in this instance, he feared it would equally obtain in many others. But he wished it to be understood that when he replied to letters of this description, it was not to be supposed that previous to his reply he had taken full cognizance of the matter to which such letters might relate. In this instance, after all that had occurred, he did not know that he could blame himself for not having departed from his usual practice; because it would seem that if he had answered the letter more fully his reply would have been used by the reverend gentleman to whom it was addressed, and very probably have been brought against him in that House. With whatever justice he might be accused of having acted discourteously, he certainly did not think he could be charged with having acted unwisely, in the answer he had given. What had occurred would certainly teach him additional caution in his correspondence with gentlemen of that character. With respect to the general question, he had only to say, as he had stated on a former occasion, that he thought these opinions of the Socialists in the highest degree dangerous, and every way deserving the most serious attention of the Government. The right rev. Prelate, however, had a great advantage over the Government in bringing the subject forward; because the Government could not argue the question without appearing to sanction the system, and the man by whom it was propounded. This they had no intention of doing. The doctrines of this Mr. Owen, as far as they related to religion, were improper, licentious, and dangerous; he hardly knew whether they were illegal. When the most most rev. Prelate said that Mr. Owen and his disciples told the people, "You are all in a state of the most helpless misery, because our system is not adopted," he begged to remind the most rev. Prelate, that Mr. Owen, in addressing the people in that manner, was pursuing only the same course as every other person who had a favourite doctrine to advance. Mr. Attwood attributed all the ills of the country to the metallic currency. Mr. Attwood said to the people, "You are all in a state of wretchedness and misery, because you won't adopt my system of paper money. Rouse yourselves, therefore, and determine to act with me." Mr. Oastler again ascribed all the distress and degradation of the poor to the operation of the new Poor-law Bill. He told the people that that Act was an act of injustice, and that, therefore, they had a right to resist it. It was the fault of the present day that people would lay down a remedy for every grievance, and then, by every means in their power, endeavour to force it upon the Government. That was the evil of the present day; and the Socialists, in that respect, were not more chargeable than other persons, and other sets that had sprung up in the country. He (Lord Melbourne) was not now arguing the subject, nor did he mean to hold that the doctrines of Socialism were not, in the highest degree, dangerous. Neither did he mean to say that they ought not to be seriously attended to; but he doubted the wisdom and prudence of the course which their Lordships were now invited to pursue. Upon that point he entirely agreed with his noble Friend the Secretary of State. He thought that their Lordships, by the course they were pursuing, were encouraging these men—encouraging the system—and promoting the views of its authors. He could not conceive anything which more than this notice would act as a greater encouragement to them. He was said to have given a great impulse to the system by introducing Mr. Owen at court. He certainly very much regretted that he had ever done so—it was an imprudent act. But what were their Lordships about to do? Why they were going to introduce Mr. Owen at court a second time. They were going to bring Mr. Owen before the court again, and in a manner which they might depend upon it would give him and his sect a much greater and stronger encouragement than any that he had given them. Their Lordships' address asked for inquiry. Why, that was the very thing that the Socialists themselves asked for. All their petitions asked for inquiry: inquiry was all they desired. Their Lordships, by agreeing to this address, were exactly answering the purpose of the Socialists, and promoting their ends. If their Lordships, by the word "inquiry" meant only that the attention of the Government should be directed to the subject, no great harm could result from the address; but if they meant anything like issuing a commission, he could only assure them that they would be playing directly into the hands of the Socialists, since there was nothing that that sect more desired. It would give them a better opportunity than they could by any other means obtain, of expounding their doctrines, and making them known to the whole world. Therefore, he was strongly of opinion that the course which their Lordships were pursuing, was an unwise and impolitic course, and calculated only to give strength to the party whom it was sought to put down. At the same time, if the right rev. Prelate should persist in his motion, and their Lordships should seem inclined to support him, he should not take the sense of the House upon it.

The Duke of *Wellington* till lately had known nothing whatever about these Socialists. His attention was first directed to them by a petition which was sent to him to present to their Lordships' House having reference to the presentation of of Mr. Owen at court by the noble Viscount at the head of the Government. He declined to present the petition, because he knew nothing about the matter, and did not choose to embark himself in the support or discussion of a subject of which he had no knowledge. Having intimated this to the petitioner, he received a communication in reply, containing a full statement of what Socialism was. By this means he obtained a knowledge of the system; he saw some of the books published by the society, and became aware of the doctrines they advanced; and, having obtained this information upon the subject, he must say that the right rev. Prelate had not in any wayexaggerated the viciousness of the system. It appeared to have spread itself over a great part of the country; and, upon inquiry, he found that it had taken root rather extensively in the county in which he resided. In Hampshire they had purchased 800 acres of land, and established a large institution. In reference to that institution, he had that day presented a petition to their Lordships which contained statements regarding blasphemy, regarding the Holy Scriptures, regarding God Almighty, regarding all the great points of our belief, which in his estimation demanded a most serious inquiry. When he read that petition, which he did as soon as it was placed in his hands, he felt it to be his duty as the Lord-lieutenant of the county, to call the attention of the county magistrates to the facts which it set forth. In the same way he maintained that it was the duty of the House of Lords and of the Government, now that the facts were brought before them, to take some steps in the matter. The doctrines of Socialism were rapidly gaining strength—were rapidly spreading themselves over the whole of the country—they had got beyond the point at which one could say "the thing will fall to pieces: take no notice of it." That was one way of treating an affair, but Socialism had got beyond that point. Some step must be taken. The people must be made to understand that neither the legislature nor the Government looked upon this institution in any other way than with disfavour—that they were determined to discountenance it—and that wherever, in the promulgation of its doctrines, there should be a breach of the law, that breach of the law should be punished. If the Government would undertake the matter, and institute such an inquiry as they thought fit, he should be willing to leave it in their hands; at the same time saying that, as a magistrate, a public man, and a Lord-lieutenant of a county, he would do every thing in his power to assist them in carrying on their inquiries, in order to bring this system to an end.

The Marquess of *Lansdowne* was induced, upon the ground stated by the noble Duke, not to oppose this motion. He thought that these discussions had come to a pass that made it expedient that some inquiry should take place; he thought that they had come to such a pass that it would operate mischievously upon the country, if it were supposed that the vices of the system of Socialism had been brought under the attention of the Legislature, and that the Legislature had turned an indifferent ear to them; more especially if there were persons in the country who might be found capable of asserting that the motive of the Legislature, in turning an indifferent ear to the detail of those vices, was founded in a disposition to afford any countenance to the abominations, which, with the noble Duke, he freely owned the right rev. Prelate (the Bishop of Exeter) had not overstated. But when he said this, he begged it to be understood that he acquiesced in this inquiry solely upon the ground of others having taken upon themselves the responsibility of giving a degree of publicity to these proceedings, which he thought it would have been most desirable that they should never have acquired. He believed that in other countries systems no less atrocious, no less deserving of condemnation, had, by the pursuit of a totally different policy, been allowed to die away, and had died away more rapidly than he was inclined to apprehend would be the case under what he might call a more active mode of treatment. He did not know whether the right rev. Prelate (the Bishop of Exeter) had polluted himself with respect to the doctrines of other sects, as from conscientious motives he declared he had polluted himself in studying the doctrines of Socialism; but he could tell the right rev. Prelate that if he had studied the doctrines of St. Simonism— [The Bishop of *Exeter*: I have not.] The right rev. Prelate shook his head and said, that he had not. He did not profess any particular learning in those doctrines, but he knew sufficient of the opinions, very widely propagated for two or three years in France, to be aware that the doctrines of St. Simonism went the full length of the doctrines which the right rev. Prelate had now so justly stigmatized. Those doctrines were widely promulgated in France for several years, but no interposition was made on the part of the law: and at the present moment if the sect existed at all in France, it had fallen to the lowest possible ebb. Nay, the very doctrines which the right rev. Prelate now condemned—those very doctrines under the direction of Mr. Owen himself—under the impulse of that mischievous activity which carried that individual to the United States of America—fell in the course of a very few years into the greatest disrepute. So much so, that they were now hardly to be found in the northern states of the union, and in the southern states they were not to be found at all. In short, there was that in the experience of this, and of many other such abominable delusions which occasionally infected society, and exercised a momentary influence upon it, that might well occasion all men in their capacity as legislators and citizens to pause, before they resorted to active measures and attempted the repression of that, which from the effort at repression, was often found to gather additional strength. He thought that any act on the part of the Government which tended to create an opinion in the public mind that there was a class of persons marked out by the law as fit objects for punishment, if by any chance they could be found tripping, very often produced a reaction in favour of those persons, and enabled them to prosecute their views with greater effect. He said, therefore, that there was room for much consideration upon this subject before any active steps were resorted to. With respect to the particular instances which had been adverted to by the right rev. Prelate and the noble Duke (Wellington), in which this particular doctrine of Socialism had assumed in one sense of the word a more formidable shape by the occupation of land and formation of a colony, he could only say that he was aware that such attempts had been made. There was no doubt that a colony, founded upon these highly objectionable and improper doctrines, had been founded upon the borders of the two counties of Wiltshire and Hampshire. Having the honour of being the Lord-lieutenant of the county of Wilts, he had thought it his duty to institute an inquiry as to the existence of such a colony, and he found that it really existed. But he had the satisfaction of stating that it did not at present consist of more than thirty or forty persons; and he understood that the condition of admission to the colony was, that each individual should pay a sum of 20*l.*—a very good mode, he thought, of preventing a too rapid increase of the members of the colony. And he rather apprehended that, when a short time had been allowed to elapse, and the poor persons who had been duped into paying their 20*l.* into the hands of some artful and designing individual, found that they had lost their money, and obtained no substantial good to compensate them for the loss of it, they would be more effectually cured of Socialism than they could ever have been by any proceeding on the part of the Attorney-general. He confessed that when he saw persons professing these abominable, wicked, and impious, but fortunately impracticable doctrines—when he saw such persons placing themselves in a position by which their doctrines were brought into public view—a position in which the unsoundness and fallacy of those doctrines became manifest, not only to their neighbours and to the rest of the world, but ultimately to the eyes ef the deluded members of the sect themselves—when he saw this, he owned he rather rejoiced that Socialism had selected a spot of earth for its establishment, and thus put itself in a position to convince, by an unsuccessful experiment, not only its authors but all mankind, of the impossibility of modelling society in any principle so odious and abominable. He did not regard these Socialist colonies, therefore, with the apprehension that seemed to be entertained by the right rev. Prelate and the noble Duke. He thought that they were more likely to expose the fallacy of the system, and to break it down more effectually and more completely than any step that could be taken, either by their Lordships or the Government. Conceiving, however, that it was important that the Legislature should not be understood to exhibit any thing like indifference to the existence of such opinions as those professed by the Socialists, but on the contrary, that it should mark by any act in its power its utter detestation and reprobation of them, he was led upon that ground, and that ground alone, to acquiesce in the motion of the right rev. Prelate.

The Bishop of *London* was anxious to say a very few words in reference to a misapprehension which seemed to obtain in the mind of the noble Marquess (Normanby), with respect to the publicity which he conceived would be given to the mischievous doctrines of Socialism by the discussion of them in that House. It was perfectly true that that effect would follow to a certain extent and in certain classes of society. One consequence of these debates in their Lordships' House, particularly of the eloquent and luminous exposition made by his right rev. Friend (the Bishop of Exeter) of the principles and practice of Socialism, undoubtedly would be, or he should rather say had already been, that those doctrines would be better known to the upper and middle classes of society than they had hitherto been. He (the Bishop of London) was far from considering that an evil. On the contrary, he conceived it to be a most beneficial effect, resulting from the debates which had taken place in that House and elsewhere upon the subject; because he was convinced that there was as yet so much of good in the heart of this country, that, if once the well-educated classes of society—those who possessed a just influence upon public opinion—combined together to express their detestation of certain mischievous doctrines, those doctrines could not long obtain. Therefore, if no other good were to result from the able and eloquent exposition of his right rev. Friend, this would be one for which their Lordships and the country ought to be grateful. But there was another kind of publicity to the augmentation of which these discussions in Parliament did not tend, and which in itself was widely different to the publicity to which he had just been adverting. He was afraid that these pernicious doctrines enjoyed the worst kind of publicity. They were well known and often canvassed by the great bulk of the public—not those who were commonly called the public, but those whose numbers were greater than any other class of the community, and upon whose good principles, and correct views and feelings, the safety of society mainly depended. The Socialists had an authorized publication of their own, of which upwards of two thousand were distributed through the country. But they had also other organs not professing to be in their pay—periodical publications not professing to emanate from the press of the Socialists, which yet exercised a most baneful influence upon the community. There was one weekly publication which he believed enjoyed a more extensive circulation than any other now issuing from the press in this kingdom; and he grieved to say that, if common report spoke true, the joint proprietor, if not the active editor of the paper, was a magistrate of no inconsiderable influence in the metropolis. The doctrines advanced in that paper with a malignant activity against everything good and virtuous, were of the most infamous character. It was a paper which he would venture to say could not have escaped the notice of the Attorney-general, and which he asserted without hesitation ought to have been over and over again the subject of prosecution. This was only one of the periodical papers, not ostensibly connected with the Socialists, which were conspiring to diffuse their pernicious principles and practices throughout the country. He was convinced, however, that this kind of publicity, instead of encouragement, would receive a very salutary check from discussions such as that which had taken place that evening. The lower orders of the community in this country—he used the term in its ordinary sense—were not yet so far fallen into the delusions which had been spread for them as to be insensible to the great weight and influence of the united opinion of all the learned, and wise, and pious in the land. He would, therefore, beg to remind the noble Marquess, that if the Address now moved should be presented to her Majesty, the effect produced would not so much depend upon the Address itself as upon the answer that might be returned to it. The manifest concurrence of the majority of their Lordships' House in the principles laid down by his right rev. Friend (the Bishop of Exeter) would of itself be a noble and effective testimony to the people of this country, and particularly to the deluded multitudes who were the victims of that sect—that the highest branch of the Legislature, he might say the Queen's Majesty herself, for her Majesty spoke in that House through the voice of her Ministers—would not longer sit quiet to witness the promulgation of doctrines so infamous, so pernicious, so abominable; but that they would stretch the shield with which the arm of justice was furnished—for he would always rather speak of the shield than the sword of justice—to protect the uneducated, the unenlightened, and, therefore, possibly the misguided portion of the community from the worst enemies that could assail them. He could not resume his seat without alluding, for a moment, to what had fallen from the noble Marquess respecting the danger of adopting any course that, in the estimation of the people, should assume an appearance of persecution towards a particular sect. He could only say that if that argument were good for anything, it would apply with equal force to every kind of prosecution for every kind of offence. Were their Lordships to be told that there were no criminal acts, no offences against society but sedition, and treason, and blasphemy. He had been taught by the authors whom he had read upon the constitution of England, that immoral, scandalous publications were equally liable to prosecution with publications that were seditious and treasonable. That doctrine at least was held by Blackstone, and at a more subsequent period by Sir James Mackintosh, who observed that the fault of the day was, the not making a sufficient distinction between seditious and treasonable publications, and those which were blasphemous and indecent. If no other result should follow from the discussion of that evening than the knowledge of the opinion, he sincerely trusted he might say the unanimous opinion, which that august assembly entertained upon the subject, it would have a most beneficial effect upon the country, and he trusted would lead to the desired result of stemming and turning the tide of indecency and blasphemy which now threatened to inundate the country.

The Bishop of *Exeter* would not detain their Lordships by any reply. He would only say, in justice to the clergyman that had been alluded to in the debate, that so far from having supplied him (the Bishop of Exeter) with information at the proper time for his political purposes, that rev. and most respectable person had not supplied any information until directly applied to. He had heard of Mr. Pare and his proceedings, but, as authority was of course necessary, he had made the application. That respectable clergyman otherwise would not have come forward. He would only add, that the inquiry now sought for was different to that asked for by the Socialists themselves—it was to inquire in the first place into the diffusion of blasphemous and immoral publications—not whether they were right or wrong, but into the facts, that the Government might do their duty.

Address agreed to.

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HOUSE OF COMMONS,

Tuesday, February 4, 1840.

MINUTES.] Bills. Read a first time:—Inland Warehousing; Spirit Licences (Scotland).

Petitions presented. By Mr. Power, from Wexford, for an Extension of the Franchise, and for Corporate Reform in Ireland.—By Mr. W. Ellis, from Leicester, and Mr. Hume, from Tooting, for an Inquiry into the Principles of Socialism.—By Mr. Villiers, Mr. Hume, and Sir G. Strickland, from several places, for the Total and Immediate Repeal of the Corn-laws.—By Mr. J. Parker, and several other Members, from a number of places, for Church Extension.—By Mr. Colquhoun, from Selkirk, against her Majesty's Ministers.—By Mr. Maule, from several places in Scotland, against the Intrusion of Ministers into Parishes in opposition to the Parishioners.

PRIVILEGE.—STOCKDALE *v.* HANSARD—MR. HOWARD.] The Deputy-Sergeant-at-Arms stated that a messenger from the House was at Mr. Burton Howard's, but he could not be found, and his wife said, that he was in the country.

Mr. *Hume* wished to know whether Mr. B. Howard's son had been directed to attend? He understood from his hon. Friend the Member for Finsbury that some further evidence would be laid before the House on that day, and it appeared to him to be trifling with the House.

Lord *John Russell* said, that after the report that had just been made by the Sergeant-at-Arms, and the fact that when the messenger went to the house of Mr. Howard he was informed that he was gone to Hull, he thought it hardly possible that, if Mr. Howard had been willing to obey the order of the House, he being an attorney and having an office in London, should not by this time have heard of it. The right hon. Member for Montgomeryshire, whom he did not then see in his place, had stated most correctly the constitutional doctrine as to the orders of the House, namely, that all persons were bound to be aware of them and to obey them. But one would not wish to press that doctrine in any case, where with no intention to evade it, the party might not be aware of the order having been given. He thought, however, that there was in this case sufficient to show that Mr. Howard wished to evade the order of the House, and therefore that there was sufficient to entitle him to move the House to order that Mr. Howard do attend at the bar of this House, and that the Sergeant-at-Arms do take him into custody for that purpose.

Sir *E. Sugden* suggested, as a milder course, that the House should come to a resolution that service of the order of the House at the house of Mr. Howard should be considered as good service on Mr. Howard. That was a mode of service sometimes adopted in the Courts of Law under similar circumstances. Allowing that to be a good service of the order of the House, in case Mr. Howard did not obey it, the Speaker would, of course, issue a general warrant against him.

Mr. *O'Connell* considered, that, it would be extremely inconvenient to adopt the suggestion of the right hon. and learned Member for Ripon, because, if it were held to be technically necessary to serve these documents at the house of Mr. Howard, it would, in point of fact, be overthrowing the doctrine laid down by the right hon. Member for Montgomeryshire, that every person was bound to be aware of the votes of that House.

Sir *R. Inglis* protested against the doctrine laid down by his right hon. Friend the Member for Montgomeryshire, on this subject. The noble Lord, taking up that line of argument, had stated, that every subject was bound to know the votes of the House of Commons. Why, within the last five-and-twenty years, the votes of the House were not delivered even to Members, till four or five days after they were passed? and yet, if every subject were bound to be cognizant of, nay, pay obedience to those notes, it mattered not when those votes were printed, or whether they were printed or not. The law required that every person should be cognizant of and pay obedience to the statutes of the realm, and why?—because in early times the statutes were proclaimed and published by the sheriffs at the market-cross on county days; and, in later times, have been printed by the King's Printer, and circulated through every court and session in the country, independently of the indirect publicity which all legislation necesssarily involves. No such publicity, however, had ever been given, neither was it yet given, to the votes and proceedings of the House. And therefore it was, that he held it to be an act of the grossest tyranny that the House should come to a vote at one o'clock on a Tuesday morning, and should hold that at nine o'clock of the same day, that vote was as well known to and as firmly binding upon, all her Majesty's subjects, as if it were an act of Parliament. [" *Cheers.*"] Why, the House was demanding a physical impossibility in this. If there were any truth in the doctrine that all the people of England were bound to know the votes of the House of Commons, they were as much bound to know those which passed on Monday at nine o'clock on the Tuesday, as at the same hour on the Saturday following, or at any other later period.

Lord *John Russell* thought the best method of wording the motion would be, "That Thomas Burton Howard be taken into the custody of the Sergeant-at-Arms and brought to the bar of the House, and Mr. Speaker do issue his warrant for the apprehension of Thomas Burton Howard accordingly."

The *Attorney-General* said, that it was unnecessary to enter into the speculative question whether the votes of the House ought to be considered as known by every subject in this land. It appeared by the evidence of their own messenger, that on Monday last a demand was made for Mr. Howard at his own house—that his wife stated that he had gone to Hull—that the messenger went to Hull—and that no tidings of Mr. Howard were to be collected at that place. Now, Mr. Howard was a London attorney; he had an office in London; he had clerks in London; he had a house in Norfolk-street; and considering the parties among whom he lived, it was impossible to pretend that he had not had ample notice of the order of the House, and if he had had such notice it was equally impossible to deny, that he was at this moment setting the order of the House at defiance. The order had been already left at Mr. Howard's dwelling-house. Could any man rise up and say that he believed Mr. Howard had not received notice of it? It was only requisite that the party should have due notice of the order. If he had that, and did not attend to it, surely it became the House, to take due notice of the contempt with which Mr. Howard treats it.

Mr. Sergeant *Jackson* could have wished that the House had before refrained from those speculative assertions of right which had led the House into its present embarrassment. He entered his humble, yet decided protest against the doctrine that this House was to place its resolutions on a level with the statutes of the realm, and that its votes were to have in point of law the same publicity as the statutes of the land, which were not complete until they had received the assent of the three estates of Parliament.

Sir *R. Peel* said, that he should not give his vote in favour of this motion on the ground that the votes and proceedings of the House of Commons were presumed to be known by all the subjects of this realm. He did not think that there was any necessity for him to give an opinion on that question at present. If he had a conviction in his own mind that a person was throwing obstructions in the way of public justice, and was thereby obstructing the purposes of the House, he should feel himself at liberty and quite justified in adopting a more summary process to compel his attendance. He could not help recollecting that they had had Mr. Howard at their bar ten days ago on this very question of privilege. Mr. Howard then offered an explanation—nay, more, made an apology—for his conduct in bringing this action. On that apology he was discharged. Immediately afterwards another notice of action at the suit of the same plaintiff was served on the printer of the House by this self-same Mr. Howard. Yesterday week, nine days since, the messenger of the House waited on Mr. Howard with a summons from the Speaker to attend at bar. That summons must have been communicated, must be known to Mr. Howard, who is himself an attorney, and who has clerks, who know the necessity of marking when process of any sort is delivered to them. He contended that these facts bore upon the face of them the presumption that there was an intention on the part of Mr. Howard to defeat the justice of the House by keeping out of the way of its summons. The next step, therefore, which he (Sir R. Peel) would take, would not be to commit Mr. Howard, but to compel him to attend at the bar of the House to give evidence. He contended that the Speaker issuing his warrant to compel such attendance on the part of Mr. Howard did not deserve the title of an act of injustice.

Sir *R. Inglis* admitted that if to defeat the House of Commons were to defeat justice, Mr. Howard unquestionably was guilty of that offence. Unfortunately, however, the two things were not identical; and he thought that Mr. Howard was perfectly justified in removing himself to a distance from the tender mercies of the tyrannical majorities of the House of Commons. Mr. Howard was not a witness, but a party; he was not summoned as a witness; and he had a right to judge whether he ought to be summoned for such a purpose as that for which he was wanted.

Mr. *Goulburn* contended that if the House should acquiesce in the doctrines of his right hon. Friend the Member for the University of Oxford, it would be prevented from exercising some of its most important functions in future. His hon. Friend the Member for Oxford had said that Mr. Howard had a right to judge for himself whether the House were justified in examining him on this matter. Once admit that doctrine, and every witness would have a right to argue with the House as to its right to examine him. If such a principle were admitted, how would the House ever get through the business which came before it? He certainly should vote in favour of the motion that the Speaker be directed to issue his warrant to bring Mr. Howard to their bar.

Mr. *Shaw* declared his intention of voting for the motion of the noble Lord, on the grounds stated by the right hon. Member for the University of Cambridge. He held that every one was bound to attend the summons of the House, to be examined at its bar. He had no doubt that Howard knew of their summons, and was purposely evading it.

The *Speaker* said there was a precedent for the course now proposed, to be found in the journals for the 30th of March, 1831.

The clerk read an extract from the journals, from which it appeared that one Satchell, having attempted to evade the order of the House by absconding from his home, was apprehended at length by the Sergeant-at-Arms under the warrant of the Speaker.

Motion carried.

DISCONTENT AMONG THE WORKING CLASSES.] Mr. *Slaney* said, that in venturing to rise for the purpose of addressing the House upon this subject, he felt that it might be asked why he ventured to bring it forward. He felt, indeed, the necessity of claiming the indulgence of the House, but he assured them that he was acting under a deep conviction of the importance of the question. He was not about to enter into a discussion upon the subject of existing discontents, but he proposed to consider the causes of those discontents, which had prevailed more or less amidst a great proportion of our fellow countrymen, among the densely-peopled districts of the kingdom, for many years. He should first show, that such discontents had existed, and had continued for a very long time. In 1812, great dissatisfaction was exhibited in four of the midland counties of England, and at that time some people, who were called Luddites, broke into lawless outrages in parts of Lancashire, Yorkshire, and Cheshire. They went about armed, and presenting a formidable appearance; there were oaths, by-words, and training of bodies of men, and at that time the murder of a most respectable manufacturer took place. In 1815 there were strikes among the working classes of the Tyne, and the surrounding districts, accompanied by great disturbances. In 1817 there was a general ferment amongst the working population, in many of the districts of the kingdom, which eventually assumed a political form, so far, that meetings were held in contravention of the law, and it was in the year 1819 that that unfortunate occurrence took place at Manchester, which to this day was viewed, on all hands, with the deepest regret. Dissatisfaction was exhibited in various places, and prosecutions were instituted, a circumstance which sufficiently showed the magnitude of the evil which Government had to subdue. In 1820, a rising of many persons took place in Derbyshire, and, headed by a man named Brandreth, they marched into Nottinghamshire, and there, being met by a peace force, they were put down. Their leader, and several others, were tried for high treason, and their conviction having taken place, they were executed. After the panic of 1826, strikes, accompanied by great violence, took place; and, in 1829, meetings of the united trades having taken place, the effect was extremely injurious to the well-being of the inhabitants of the places where the assemblies were held. In 1826, too, similar meetings were held, and riots broke out in Bolton, and other northern towns. In 1827, there was great activity exhibited, and a general meeting of the trades and delegates was held in the Isle of Man, with a view to the convenience of persons going from England, Ireland, and Scotland, when rules and regulations were laid down for certain purposes, and printed. In 1830, the French Revolution occurred, and was soon followed by that in Belgium, and, for two years afterwards, agitations took place, which assumed a political turn, and terminated in the Reform Bill. Since that period, several large strikes had taken place in London and elsewhere; and the strength and power of the working classes were ostentatiously exhibited by a procession of 40,000 men through the metropolis. In 1836 the Working Men's Association took place, and a great meeting was held at the Crown and Anchor, which was succeeded by others at the British Coffee-house, at which eventually the principles of the Charter were determined upon. In 1838, those principles were widely disseminated. The means for obtaining the charter were, at first, what was called "legal agitation;" but afterwards, many misguided persons betook themselves to effect that by terror, which they despaired of producing in a peaceful manner. Riots subsequently occurred at Sheffield, in Montgomeryshire, and elsewhere, and he thought that, upon this statement of circumstances, he might venture to assert, that for a very long period past, a spirit of dissatisfaction, he would not say disaffection, had existed among the working classes. He had no intention of speaking in harsh terms of those persons who were denominated Chartists, however mischievous their projects might be to themselves or other persons; for he thought that he had sufficiently shown that the feelings of discontent which prevailed among them, as well as other persons, was of no recent origin, but had existed during several years past. He begged now to call the attention of the House to what were the real causes of this discontent; it might be stated differently on opposite sides of the House; and while hon. Gentlemen on the other side might declare, that the agitation was produced by the existence of new political rights created by the Reform Bill, or, by want of sufficient precautions on the part of the Government, Gentlemen who sat near him might assert, that they arose from a neglect duly to extend the franchise, or from a neglect of the prayers of the petitioners to the House, for an alteration in the existing corn-laws. He asked the House, however, to lay aside the consideration of those questions until they should be brought under their notice by specific motions in reference to them, and he thought that he should be able to show that it was not from these causes, but from others of a more permanent nature, that the discontent which existed was in a great measure attributable. He conceived that the primary causes of dissatisfaction were the monopolies in the manufactures of the country, and the discovery of new machinery—the effect of which was to deprive many persons of work, and consequently of the means of living. In the year 1793, the workmen who dwelt in towns, and densely-peopled places, were to the agriculturists, as one to two, but, in 1840, the proportions were reversed. He found that the increase of the population during the last forty years had been—in Manchester 109 per cent., in Glasgow 108 per cent., in Birmingham 73 per cent., in Leeds 99 per cent., and in Liverpool 100 per cent.; while the manufacturing or town population had, in the same manner, increased in proportion to the agricultural population.—In Staffordshire three to one, in Warwickshire four to one, in the West Riding of Yorkshire twelve to one, in Lancashire ten to one, and in Middlesex twelve to one. He had shewn, therefore, the vast changes which had taken place in the character of the populations of these districts, that immense masses of people were congregating in small and confined spaces, and he should now proceed to exhibit to the House, that notwithstanding those alterations in the positions of the people, the Legislature had paid little attention to the question of their convenience for many years past. He thought that the inconveniences of the people might be divided into three heads: first, the want of legislative provision for the preservation of their health, and the comfort of their houses; secondly, the want of provision against the fluctuations which constantly occurred in the commerce of the country; and, thirdly, the want of religious instruction and education. With regard to the social condition of the people, he should refer first to the metropolis itself, and he begged to call the attention of the House to the 4th and 5th reports of the poor-law commissioners—books of undoubted authority upon a point of this description, which admirably pointed out the existing miseries of the population of the poorer districts of London, described their state of poverty and dependence, the wretched hovels in which they lived, and, in short, gave such a report as could not be read by any one without the deepest regret. He begged next to allude to the state of the handloom weavers, many of whom, pressed down by poverty, were obliged to dwell in houses tainted with fever and sickness, which, it was reported, was never entirely removed from them, and he declared his belief, that if that House were to make proper exertions, all those evils which existed, and all those discontents which were exhibited would eventually be removed. To shew what was the state of the poor, he would refer to Liverpool. In 1839, there were 7,860 cellars in that city, inhabited night and day, which were dark, damp, confined, ill-ventilated, and dirty. 39,000 people inhabited them, being one-seventh of the whole population of the town, and one-fifth of the working-class. These statements, and others which he should bring before the House, were made on the authority of the Statistical Society of Manchester, from whose publications he quoted them. In Manchester, and Salford also, a considerable portion of the population inhabited cellars, the greater portion of which answered the description of those at Liverpool. Out of 37,000 habitations which were examined, no less than 18,400 were ill-furnished, and 10,400 altogether without furniture. In Bury, the population of which is 20,000, the dwellings of 3,000 families of working men were visited. In 773 of them, the families slept three and four in a bed; in 209, four and five slept in a bed; in 67, five and six slept in a bed, and in 15, six and seven slept in a bed. In Newcastle-upon-Tyne a similar investigation took place. In the parish of All-Saints and another, the residences of 26,000 poor persons were examined, and those who saw them gave a most appalling account of the misery, filth, and want of air which prevailed. The total population of the town is 64,000, and the dwellings of the great majority of the inhabitants were badly ventilated, dark, and unwholesome. As a consequence of this, he would observe that there had been no less than 2,600 criminals of all kinds in Newcastle during the past year. The proportion of female criminals was much greater than in any other place. Indeed, the sewerage and drainage of the streets in which the dwellings of the working-classes were situated, were almost wholly neglected. The working population of Leeds was 61,000; 383 of the streets were reported to be good and middling, but 224 were declared to be very bad. Half of the latter were covered with lines, on which was hung wet linen, so that no carriage of any description could pass through them. In the north-eastern districts of the town, where resided 15,400 working people, 38 streets were without sewers. A consequence of this neglect was, that the deaths of infants were at Leeds much greater in proportion than in any other town; and in the report of the registrar of deaths, Leeds was designated the most unhealthy town in the kingdom. He now came to the evils suffered by the working population, in consequence of the reduction of wages. He was of opinion, that it was greatly in the power of the working classes, aided by the Government, to prevent by timely precautions those evils. What was the condition of the artizans of Sheffield? The trade of that town had very much declined. Part of it was gone to the Continental manufacturers, and what remained was dependent on the American market. One part of the misery of the Sheffield artisans was caused by their own violence. Their strikes, and the violence that had accompanied them, had been a main cause of the trade being drawn elsewhere. They took no precaution whatever against fluctuations of wages, and the distress that must accompany them. The committee of 1837, reported that their opinion was, that in the manufactures of cotton, woollens, hardware, linens, and even silks, the average wages paid to workmen, had been such as if duly spread over the whole of a given period, would have sufficed to shield them from want, and to keep them in comfort. Had due precautions been taken, they would never have had any occasion to rush into violence on a fall of wages, or a scarcity of work occurring. The Legislature ought, in his opinion, to give the working men the opportunity of ensuring themselves against those fluctuations. Never was there a time when such provisions were more necessary. The committee in the case of the handloom weavers, declared it as their opinion, that their distress had arisen from the introduction of the power-loom. From this fact, a solemn warning ought to be deduced. If the power of steam produced this effect on the handloom weavers, it would produce in time the same effects in other manufactures. Was it not, then, high time to take steps to provide against the forthcoming evil? Up to the year 1834, no means had been afforded by the Legislature to these persons for joining in associations to save their wages, so that they might be sure of an allowance in the event of any contingency happening to them. The Benefit Societies Bill gave to them some of these opportunities. But the usefulness of the benefit societies was confined to the contingency of sickness; no means were provided by the act in question by which a poor man might lay up a store to provide against the time when he might be out of work. No means were provided by which he could ensure a safe deposit of his money, secured against all chances of fraud. An act had, however, since been passed, which opened to them more facilities than had hitherto been possessed by them, but that act was not sufficiently known among them to enable them to avail themselves of it to any extent. Nevertheless some very admirable applications of that act had been made. The fishermen of Brighton and Lowestoft had entered into associations to provide against the loss of their boats and other similar contingencies. Similar associations had been entered into for mutual insurance of the lives of cattle: but generally speaking the act was not sufficiently known, and had therefore not been generally made use of. He was quite sure that if the working classes were aware of it, they would be willing and anxious to avail themselves of its provisions, and of the facilities it afforded them for providing against all contingencies. In one large manufacturing town an association was formed for the purpose of inducing the lower classes to avail themselves of it. Many ridiculed the plan as not likely to take effect. It was said, that the working classes would neglect to avail themselves of it—that they would rather spend their money in beer, than provide against an evil day. But what was really the result? Why that sixty persons joined the society the first year, 160 the second year, and so on until at the end of five years, 700 families had embraced that mode of providing for the future. See what would be the effect of the general adoption of such a system for the prevention of want. Now, if a misunderstanding arose between the masters and their workmen about wages, the latter at once proceeded to violence. If they were able to fall back on such a fund as that which he desired to see established, they would not be driven to violence or intimidation, but would have time quietly to digest the question, and leave room for coming to an amicable arrangement, without the necessity for strikes. They would also receive assistance from their society while there was a scarcity of work, and thus avoid all those misfortunes which now attended any temporary stagnation in the demand for labour. There were now many additional reasons for the adoption of such a system as this. There was a greatly-increasing competition in some of our manufactures, on the part of Switzerland, Germany, and Belgium. Seeing the evil as they did beforehand, they were bound to provide against it in time. Another powerful reason for at once grappling with the subject was the constant and increasing immigration of Irish. The change in the mode of holding tenements in Ireland had given rise to such an extensive system of clearing, that thousands of miserable individuals were driven over to this country to obtain a subsistence. They came over the rivals of our own labourers, and unless we contrived to lift them up, assuredly they would pull us down. He had a comparative statement of the number of Irish who had come over to Liverpool between 1836 and 1839. Many of them were, no doubt, Connaught men, who returned as soon as the harvest was over. From March, 1836, to March, 1837, the number of those who arrived at Liverpool was 74,240; of those 50,400 returned—leaving 24,000. No man could doubt the effect of such an importation of labour on our own labouring classes. Between March, 1837, and March, 1838, 45,500 arrived, and 41,200 returned, showing a less number remaining, but still a considerable number. From March, 1838, to March, 1839, upwards of 45,000 arrived, and upwards of 39,000 returned, still leaving 6,000 labourers behind to compete with our own labourers. The Irish residents in Liverpool were, according to the statistics which he relied on, about 40,000, although some were of opinion, that the number was much greater. In Manchester the Irish residents amounted to 60,000, and in Glasgow there were 50,000, besides great numbers in the different villages adjoining. In Birmingham there were from 20,000 to 25,000. In Leeds there were not less than 10,000. Could any one, looking at these facts, in conjunction with the present condition of the working classes, doubt that the legislature was bound to afford them the means of insuring themselves against future want? He maintained, that it was the duty of the Government to take the lead in such a measure. He thought also some mode might be provided by which settlements might be effected between masters and workmen, without those resorts to violence which now attended their disputes. In France there was a Conseil de Prud'hommes, by which questions of wages were decided. He (Mr. Slaney) would suggest the appointment of arbitrators, whose decisions should not be absolute on either party, but persons in whom the working classes would be likely to confide. He thought that in most cases the working men would be ready to abide by the decisions of those arbitrators. He thought also it would be worth considering, whether or not it would be advisable to send out a number of educated, intelligent, practical persons, whose business it should be to inquire into the condition of the poor in those denselypeopled districts, and to suggest measures for its improvement. He thought they should hold out some inducement or bonus for the formation of provident societies of the kind, that he had described. The principle was acted upon now in the case of savings' banks, where they gave a somewhat larger interest than was paid in the funds. Again, the religious instruction of the people was most disgracefully neglected, and no steps had been taken by the legislature to provide the means for their accommodation at the Churches, for the purpose of their attending divine worship. In the diocese of Chester the want of Church accommodation was particularly felt. For instance, at Manchester there was church accommodation for 26,000, while not less than 108,000 of the poorer classes in that town could not attend divine worship in the Church, as there was no room for them. Nearly the same proportion existed in four out of five of the large towns; and, consequently, the great bulk of the population had no means of attending divine worship. He did not wish to speak in a derogatory tone of the instruction given by other religious communities, but he thought that it was the duty of the House to see that the means existed to enable the great bulk of the people to attend religious worship in the Churches; but the free seats in those sacred edifices in the large towns, in seven cases out of eight, and above all in the metropolitan districts, was not in any proportion adequate to the wants of the community. He would ask how they could expect to deter these persons from the commission of crime, when they took no steps to provide for their adequate moral and religious instruction? Ten years ago he moved for a

Committee of that House to inquire into the best means of providing useful education for the poorer classes, and into the present state of education in the large towns. The Committee was formed from both sides of the House, and investigated the subject with great care and attention, without regard to any party considerations; and the result was, that a report was produced, which contained some valuable information on the subject. In one part of their report, the Committee state, in reference to the state of education in the metropolis, " that it appears as a general result, that in the five parishes situated along the Strand and round Charing-cross, which may be considered as holding a mean station between the more opulent parishes of the west and the poorer and more crowded parishes of the north-east and south-east of London, that some sort of daily instruction is afforded to about one in fourteen of the population, instead of one in eight, as is desirable, and that afforded to one third of the scholars is very indifferent." The Committee examined evidence respecting the populous parish of Bethnal-green, situated to the east of London; the population in 1831 was stated at 62,000, and must since have probably increased. It appears from the report of the Spital Fields School Society and other evidence, that less than 3,000 children are educated. The Bethnal-green committee state, that after making allowance for such as must at all times be prevented from attending school, there are at this moment from 8,000 to 10,000 children in Bethnal-green alone, not only without daily instruction, but for whom no means of daily instruction are provided. The Committee hold it to be an established fact, " that, in that one parish thousands are growing up uninstructed in their duty, either to God or man." And when it is added, that this " is only one parish out of many, and that the neighbouring parishes are almost as poor and as destitute of the means of education as this," they think they have established a claim to all who are interested in the welfare of London. It appears, therefore, as a general result, that in this populous parish less than one in twenty of the population have daily education, instead of one in eight. The Committee were not able, from the want of accurate returns, to examine with the same minuteness into the state of other districts of London. After giving a number of returns respecting the larger towns, the Committee gave the following as the general result of the state of education in these towns:—" That about one in twelve receive some sort of daily instruction, but only about one in twenty-four an education likely to be useful. In Leeds only one in forty-one; in Birmingham, one in thirty-eight; in Manchester, one in thirty-five. The evidence of several of the most intelligent witnesses referred to in the report, describes in strong terms, the misery and crime likely to arise from the neglected education of the children of the working classes in populous places." The Committee are fully persuaded, that to " this cause (embracing the want of religious and moral training) is to be chiefly attributed the great increase of criminals, and consequently, of cost to the country." He trusted, that the time was not very distant before a complete remedy would be afforded to this great evil, and that even the present Session would not be allowed to pass over without some remedy being applied to this lamentable state of things. Besides the other remedies that had been suggested, he thought that they might at once take care that such aid should be given in all parts of the country, so that the means of attending religious instruction was afforded to all those who were compelled to work six days in the week He would not go into details respecting the increase of crime, but he would merely state, that it appeared, from the returns made to Parliament of the committals for crime in England and Wales that in the twenty years(from 1810 to 1832) the committals increased fourfold, whilst the population increased thirty-two per cent. These returns furnished most valuable information on this subject, and clearly showed the lamentable effects of the ignorance, and consequent crime that is spread so generally in the country. Even as a measure of economy it was desirable that the Legislature should take some steps to check the progress of crime. It was stated in the report of the commissioners on the constabulary force in the country, on the authority of a return made to the municipal council of Liverpool, that the cost of crime in that town was estimated at 700,000*l.* per annum, and those who inquired into the subject declared their conviction " that immense as this sum is, it is not exaggerated, but, on the contrary, is much understated." A number of details were given with the view of showing the accuracy of this statement. Now, the sum which was annually expended in the correction of crime in one town only, was ten times as much as he should require to carry into effect many improvements that would operate most beneficially on the working classes. Was the House aware of the enormous sums annually expended for the prevention of crime? It was stated in the report to which he had just referred, that the expense of a rural police for England and Wales, together with the cost of management and other charges, might be taken at 450,000*l.* The expense of the Metropolitan Police was 260,000*l.* per annum. The expense of the police in the various boroughs, chargeable on the borough funds, was 100,000*l.*, and the amount for the City of London corporation police was 40,000*l.*, making a total of 850,000*l.* for the charge of police. In addition to this, the charge on the county rates for prisons, prosecutions, &c., was 352,000*l.*; or not deducting the 80,000*l.* paid out of the consolidated fund in aid of the county rates, the amount would be 432,000*l.* There was also the sums annually voted from the Consolidated Fund for the maintenance of prisoners, convicts, &c., amounting to about 380,000*l.* These sums taken together, amounted to not less than 1,662,000*l.* paid annually for the prevention of crime. He did not mean to assert, that they would save the whole of this amount by the education of the people; but a very considerable proportion of it would no longer be required for this purpose. But besides this large expenditure, there was also the expense of a great number of voluntary associations for the prosecution of criminals. There was also a large expense for the additional military force that was necessary in consequence of the turbulence of the population in those districts where the people were the least educated; and, in addition, there was also the loss attendant upon those persons wasting their time in criminal indulgencies instead of being engaged in profitable labour. He regretted to find that a great increase in the consumption of spirits had taken place within the last few years, and he found by the returns that in little more than thirty years the consumption of gin had increased from 9,000,000 of gallons to 29,000,000; and that, while thirty years ago the annual consumption of gin in England was only one gallon a year to each person, now it had increased to one gallon and a half each. At the present time the amount of duty paid on spirits consumed in this country, was not less than 8,250,000*l.* It was greatly to be regretted, that the Government drew such a revenue from the demoralization of the people, and he lamented that some steps were not taken to diminish the facilities that now existed by which spirits were put almost within the reach of almost every poor person. The consumption of spirits had also greatly increased in Ireland and Scotland, and more especially in the latter country, where the annual consumption of spirits within the last thirty years had increased from 2,700,000 gallons to 6,300,000. He was satisfied that the only remedy for this state of things was the moral education and the religious instruction of the people; and he feared if they did not at once take effectual means for this purpose that crime would go on increasing with fearful rapidity. They should regard the signs of the times, and should take warning of the events that had recently occupied their attention, and educate the people; and when they had exerted themselves, and done all in their power in this respect, if the people chose to listen to bad advisers, the legislature would have the satisfaction of knowing that it had done its duty. He knew that the matters which he had alluded to, were distasteful to Members on both sides of the House, for he found that they, more especially since the Reform Bill, preferred party questions to practical measures of improvement like the present. The hon. Member concluded by moving that a Select Committee be appointed to inquire into the causes of discontent amidst great bodies of the working classes in populous districts, with a view to apply such remedies as the wisdom of Parliament can devise, or remove as far as possible any reasonable grounds of complaint, in order thereby to strengthen the attachment of the people to the institutions of the country.

Mr. *W. Smith O'Brien* felt great pleasure in seconding the motion of his hon. Friend. He was convinced that the adoption of some such course as that now proposed, would show to the working classes that that House was not indifferent to their condition, but sympathised with them. If an inquiry were resorted to, it was probable that some of the intelligent artisans that would be examined might throw out suggestions that would tend to improve their moral and physical condition. He believed such to have been the case with respect to an inquiry into the condition of the hand-loom weavers. In the first place, a committee was appointed to inquire into the condition of this class of persons; and after the subject had been investigated before them, a commission was appointed, and the result of the examination had been some extremely valuable reports, which he was convinced would lead to the production of much good, and to the ultimate improvement of the condition of the persons who were the subject matter of the inquiry. He could not help expressing his deep regret at observing the state of alienation that prevailed amongst the working classes throughout the country towards the constitution. This feeling probably prevailed through a greater portion of these classes in this country than in any other enjoying free institutions. As a proof of this, he would refer to the petition that was presented to the House last year on the subject of the charter, signed by upwards of 1,200,000 persons. He feared that one of the effects of the Reform Bill had been to draw a distinction between the middle and working classes, and had excited feelings of jealousy in the latter classes, such as they never entertained before. That bill took a considerable portion of power from the aristocracy, and transferred the representation to the middle classes; and the working classes, who had exerted themselves greatly to promote the success of that bill, finding themselves altogether excluded from the franchise by its operation, entertained the strongest feelings of dissatisfaction, and he thought that the only means of allaying those feelings would be by greatly extending the elective franchise. He was of opinion that the ballot would be found to be unnecessary if they greatly enlarged the franchise, for large constituencies would always be able to protect themselves. The influence of agitators for the charter manifested the want of education in the people; and this should be another reason for more generally diffusing it. Instead of voting the small sum of 30,000*l.*, it was the duty of the Government to render to every one, as a right, the means of attaining a good and sound education. There was probably no instance on record of a country of such wealth doing so little towards promoting the intellectual amusements of the people. In countries of a much inferior character, there was hardly a large town which did not possess its picture gallery, its statue gallery, and its botanical and zoological collections, but all matters of that kind in England were done by private associations, and no one could enter them unless as a matter of favour. He was convinced that it would be in this as in other countries—that if the legislature provided the people with the means of rational enjoyment it would drive them from intemperate habits, and make them intelligent and moral beings. Was it not awful to think that the commitments for crime in the country amounted to 100,000 a year? He believed that in no other country, where there was such an extent of property, was there such a large proportion of the population entirely dependent upon labour for the means of subsistence, and in case of want of employment resorting to the poor-laws. He found that in France there were nearly a million of small proprietors of land, who, in case of calamity, might fall back on their little property, but nothing of this kind was known in England. With her extensive colonial possessions, such a thing as a permanent distress on the part of a large body of the people should not be known, for if emigration was placed on a proper footing by the Government, this evil would be completely remedied. He regretted that the hon. Gentleman had not made his inquiry of a more extensive nature. An investigation into the subject of currency, and its effects upon the condition of the people was highly necessary. The Corn-laws also required close investigation, as having much to do with the existing discontents of the people. He hoped that both sides of the House would support this motion: it was no party question, but a question how best the happiness and prosperity of the humbler classes could be promoted, and he trusted that the House would show the working classes that their interests were a matter of consideration with the representatives of the people.

Mr. *Lambton* opposed the motion. It was too indefinite, he thought, to be productive of any beneficial results. Unhappily a great deal of delusion prevailed amongst the working classes throughout all parts of the United Kingdom; they were grossly deceived by the writers who were most popular amongst them, and his remedy for that would be an improved system of national education; no doubt the hon. Mover was also a friend to national education; it formed, however, but one out of fifteen of the various objects to which his proposed inquiry was to be directed. His inquiry was to go back to a remote period, and to embrace almost every portion of our existing legislation: the Corn-laws, the currency, the elective franchise—all were to be subjects of inquiry by the committee. It was a committee to take cognizance of subjects so various and so extensive, that he very much doubted the propriety of its being proposed by any individual Member; and, without meaning the least personal disrespect to the hon. Mover, he must say, that if at all brought forward, it should be by a Member of the very first eminence. His own opinion, however, was, that a motion of this kind should be made, if at all, by the Queen's Government. He must further observe, that if such a committee should be appointed, it ought to include the Members for Durham and for South Northumberland.

Mr. *Hume* agreed that a subject so vast and important ought to have been introduced to the House by her Majesty's Government, for he did not think that any person unconnected with the Government would be able to bring before the House at once, in a condensed form, the information which it was desirable to obtain. As to the motion before the House, he thought that the hon. Member for Durham must think this a sufficient ground for inquiry. The hon. Member had no doubt read her Majesty's Speech, in which her Majesty stated that she could not see, without deep concern, that a spirit of insubordination and disobedience to the law had begun to manifest itself, and had broken out into open violence. Her Majesty further stated, that the commercial embarrassments which had taken place in this and other countries were subjecting our manufacturing districts to severe distress. He thought, then, that they ought to inquire into the causes of the discontent and distress that prevailed. Would the hon. Member for Durham say, that, after the paragraph in her Majesty's Speech to which he had now called his attention, the House would do their duty unless they inquired into the causes of this distress? He would also remind the House of the petition presented last year, and signed by 1,258,000 persons. The parties who signed that petition stated what were the causes of their distress and discontent. Would any one tell him that the manner in which that petition was disregarded by that House was not calculated to increase the discontent of the great bulk of the people? Whatever might be the causes of discontent, he thought that the inquiry ought not to be limited. He did not agree with the hon. Member who stated that the people were ignorant. If the hon. Member attended a meeting of the people in the manufacturing districts, he would find that his opinion on that point was erroneous. The way in which the working classes supported the Reform Bill showed that they entertained large expectations of an improvement in their condition. He (Mr. Hume) must say, that the noble Lord was himself one of the causes of the present discontent, for the noble Lord had stated when he brought forward the Reform Bill, that "the ancient constitution of this country demanded that no man should be called upon to pay taxes for the support of the State, who did not contribute either by himself or his representatives to the imposition of these taxes." He believed the noble Lord was sincere in the expectations which he had excited, but after seven years the people complained that they had been disappointed, and they have been denied a remedy. The House supported monopolies which checked commerce, and produced distress. Therefore he thought that the House was bound to institute inquiry. The working classes were not incensed against our institutions so much as against the abuses of those institutions. And it was his honest conviction that no inquiry as to their situation could really be beneficial, which did not embrace the great questions of such monopolies as the Corn-laws, and of the extension of the franchise. The Government had been accused by Sir James Graham of being favourable to Chartist principles. He wished they were more favourable to those principles than they were; they would thereby increase the peace and the contentedness of the people. He certainly blamed the Chartists for the means they adopted and the language they had used in seeking for those measures, but though they might have acted in a manner which he did not approve of, yet the principles were not thereby influenced, and he hoped the noble Lord would not altogether deny any advance towards what the great mass of the people required. He thought that Corn-laws and an extension of political privileges were proper and appropriate subjects for inquiry, and he trusted they would not be forgotten. Was it to be supposed that the people could be contented whilst five out of every six individuals were deprived of their political rights and had no more to do with the making of laws than the negroes in the West Indies had before the passing of the Emancipation Act? If they persevered in opposing the demands of the people, complaints would continue to increase. For his part, he should not be inclined to agree to the appointment of the committee, if it did not consider fairly and fully the evils under which the people were suffering; and in that case he hoped the noble Lord beneath him would appoint one of his colleagues to take care of that committee. He hoped they would thus be enabled to ascertain those means by which they could bring back that allegiance and good-will which formerly prevailed where now there was distress and discontent.

Mr. *Ingham* would by no means attempt to follow the hon. Member for Kilkenny through the desultory series of contentious and exciting, as well as irrelevant topics which he had thought proper to name. He wished the committee which had been proposed by the hon. Member for Shrewsbury, from motives so benevolent and laudable—he wished that committee to apply itself to objects of really practical utility. It had been truly stated that the working classes were not generally aware of the facilities given by recent acts for the establishment of friendly and saving-bank institutions, in a manner calculated to enable them to avail themselves easily and with effect of the salutary plan of depositing. Could the lower classes be induced to avail themselves more generally of such institutions, the result would be highly beneficial to the community, for the acquirement of property gave the possessor an immediate and powerful interest in maintaining allegiance to the laws. The allotment system was calculated to produce no small benefit to the labouring classes. As to the right of primogeniture, it was so inseparably associated not only with the laws, but with the habit and feelings of the people, that even if abolished from the statute book, it would be maintained by voluntary consent. And he believed that, anxious as the people might be to possess landed property, they would not generally disapprove of the law of primogeniture, and that they would prefer transmitting their estates to their eldest sons, in contradistinction to the minute subdivision of land in vogue on the continent, especially in France. The hon. Member for Shrewsbury had alluded to the state of crime in Newcastle-upon-Tyne, and he could state that the return to which the hon. Member had alluded was not at all truly indicative of the state of crime in that town. It had been framed by the police, and the offences embraced all those which were offences against the police regulations, such as blowing a horn in the place where such was prohibited by the police. A great cause of the number of offences reported, was to be found in the fact that every repetition of any of the slightest description was put down separately, as for instance, in the case he had mentioned, every blast of the horn would be reckoned as a separate offence. He was of opinion that the committee ought not to extravagate into the wide field which had been recommended.

Mr. *Brotherton* considered that the best mode of improving the industrious classes was by educating them; and their condition was to be ameliorated by a reduction of taxation. He considered it of the highest importance that the people should be furnished far more than they were with the means of education, for much of the evils in their condition arose from intemperance. If they were better instructed, and if they were temperate in their habits, it could not be doubted that they would have many comforts which they did not now enjoy. He could not but remark on the enormous increase of intemperance which had recently taken place. He believed that a people were much more taxed by their vices than by the Government. Fifty millions annually were sunk—lost—in the crime of intemperance. How soon could the people attain comfort and content, would they but discard the habits of intemperance. Whereas the consumption of ardent spirits was dreadfully on the increase. It had augmented from 9,030,000*l.* to 50,000,000*l.* within the last twenty or thirty years. In England the consumption was seven pints to every man, woman, and child; in Ireland thirteen; in Scotland, twenty-three. In England the cases of insanity were one in a thousand; in Ireland, one in 800; in Scotland, one in 450. Thus it was plain that insanity was the result of ardent drinking. From all the inquiries he had made, he was sure that intemperance was a main cause of crime. And he was convinced that the people themselves must be the chief authors of their own improvement, which must always principally be the result of amendment in their moral habits.

Mr. *Villiers* was sure the proposer of the motion before the House would not wish that motion to be the cause of a practical delusion, and he would therefore beg to suggest that its terms should be altered. When a committee was moved for to inquire into the general causes of the discontent which prevailed, expectations would be raised which would be disappointed if the inquiry was limited. He believed that it was the intelligence, not the ignorance, of the people, which was the cause of the discontent; and if relief were denied, the House ought to be ready to prove that there was no cause for discontent, and that the laws were equal and good, and were properly administered.

Lord *J. Russell* confessed that his difficulty in regard to the present motion arose, in the first place, from the terms in which it was expressed; and in the second place, from the arguments of those who had supported it. As to an inquiry into many of the objects which had been alluded to, he felt, that as a responsible Minister of the Crown, he should not be justified in agreeing to that inquiry, as he could not see any remedy that could be proposed. If, however, an inquiry was instituted with the view of collecting facts relative to the state of the people in the manufacturing districts, such an inquiry might be productive of important results, and he should be inclined to agree to a motion for the appointment of a committee with that object. But such was not the object of the proposer of the present motion. The hon. Gentleman said, that the committee should enquire into the causes of the discontent prevailing amongst the masses of the working classes; and the hon. Member for Kilkenny, and other hon. Members said, that the committee should inquire also into the effects of the poor laws, and of the corn laws, and in regard to the operation of the laws of primogeniture, and the laws which regulated the mode of voting. Now, certainly these were important questions, and in his opinion rather too important to be discussed and decided by a select committee of that House. As to the question of an extension of the suffrage, for instance, he might disagree with the hon. Member for Kilkenny on that subject; but it was not likely that he would be satisfied by the evidence which might be brought before the committee of the correctness of the hon. Gentleman's views. That evidence was not likely to be such as to enable the House to act upon it. He did not think that Parliament could decide in such a way upon the important questions which had been alluded to, and he therefore thought that the arguments of the hon. Member for Kilkenny told against the motion. This was unquestionably a matter which the House was not to treat as a trifle; but it would be anything but satisfactory to the people at large, to bring these subjects forward before a select committee. He had frequently before stated to the House, that in many of the manufacturing and mining districts, where a large population had grown up suddenly, there had not been adapted to that population with sufficient care the means of preserving order and providing adequate instruction. With regard to Manchester, Leeds, Sheffield, and Birmingham, though they might have from time to time to complain of lamentable occurrences, yet the state of the population was much more satisfactory than in the large manufacturing villages, as he might describe them, where there was a great and dense population, but nothing like local government of any kind. It very often occurred that the growth of a disposition to turbulence by no means kept pace with the growth of the population, and, if they were only to take proper care of the growth of these districts, security, peace, and good government would be found to prevail as they increased in extent. The metropolis contained, within a small space, a greater number of human beings than any authentic accounts informed them of having been collected together in any former period. At the same time it furnished an example of an orderly population, conducting themselves as well, if not better, than any other population of the same extent, of which there was any record. Though this was the year 1840, yet they were unquestionably much safer, with regard to riot and disorder, than in the year 1780, when the population of London was not nearly so large. Still there was a great deficiency of religious instruction in the metropolis. As to the crowding of the population within a small space, and the production and re-production of typhus fever, he thought that a committee would throw a good deal of light on that point. If his hon. Friend were so to amend his motion, as to confine it to these practical points, he would be quite satisfied. As to the general questions involved in the hon. Gentleman's motion, he did not think that a select committee would be the proper place to state the remedies.

Mr. *Briscoe* objected to the manner in which the hon. Member had shaped his motion, inasmuch as he suggested remedies, while he at the same time moved for a select Committee to inquire into the cause of these grievances. One of the great grounds of complaint among the people was the inequality of taxation, inasmuch as they were impressed with the belief that most of the articles of necessity consumed by them were more heavily taxed than the luxuries of the rich. Now, if they were mistaken on that point, it would be the duty of the Committee to undeceive the people, or to suggest a remedy where they were right. He was of opinion, that in the agricultural districts, there was a greater portion of distress prevalent than even in the towns. To his personal knowledge, there were large masses of the agricultural population living on potatoes. He did not know how the House could better employ its time than in considering the deep-seated and wide-spreading discontent that at present existed among the working classes. He hoped therefore it would receive the early and anxious attention of the House.

Mr. *Wakley* thought the motion was of so extraordinary a character that the House would not have listened to its details for more than a very few minutes. He believed if a Committee was appointed in accordance with its terms, that Committee might sit for thirty years without coming to any practical or satisfactory result. He sat upon a Committee for two Sessions involving only one point included in the hon. Gentleman's motion—the working of the Poor Laws—and without investigating the twentieth part of the subject, they made a report, which was not, and could not be satisfactory to any one. Why, the proposed Committee would be a Committee sitting on "the miseries of human life."—The working classes knew well the sources of their present discontent, and they knew that the House also was aware of it, but that they would not take the matter seriously into their consideration, not having either the disposition or the capacity to apply the remedy. The people knew that there was excessive taxation, that there was a system of Corn-laws which made food 40 or 50 per cent. dearer than it ought to be, that there had been a profligate expenditure, and cruel and useless wars which had entailed an enormous National Debt upon the country. Now, to none of these would the House venture to apply a remedy. If the Committee was appointed, he was satisfied that it would be productive of nothing but disappointment and delusion, and he should therefore oppose the motion.

Sir *H. Verney* thought the hon. Member had introduced too many subjects into his motion, which it would be impossible for any Committee to investigate, and he was, on that ground, inclined to vote against it. He should, therefore, move as an amendment, on the suggestion of the noble Lord, that a select Committee be appointed to inquire into the condition of the working classes in the populous manufacturing and mining districts.

Mr. *Baines* thought the original motion involved subjects too large to be grappled with by a select committee, but in the manufacturing towns there were many evils interfering with the comforts of the poor, and the health of the inhabitants, particularly with regard to the state of the sewerage and the cleansing of the streets, which required legislative interference, and without which it was found impossible to put them in such a state as to conduce to the objects contemplated by his hon. Friend. It was also very desirable, but he did not know how it could be effected by Legislative enactments, to promote provident habits, and to induce them, when they were in full work, to make provision for those periodical returns of want of employment to which they were so frequently exposed. If, however, any suggestions could be made in a select committee to induce such habits as would effect this object, important public advantages would be derived from its labours. As to religious and moral instruction, which had also been adverted to by his hon. Friend, and which was so much required, he was happy to say, that the town missions were effecting much good in this way, by visiting the dwellings of those who either from want of proper clothing, or from disinclination, neglected to attend places of public worship, and were only to be reached by the labours of the town missionaries, or by the visits of serious and benevolent individuals. If encouragement could be given to persons so employed by any facilities that might be afforded to them, much benefit would accrue to vast numbers of poor families who had hitherto been left in a state of deplorable ignorance as to their moral and religious duties. The only other general topic to which his hon. Friend, the Member for Shrewsbury had alluded, was the education of the children of the poor, though he (Mr. Baines) was happy to say, that considerable attention was now paid to this subject in the great manufacturing towns in the north of England. Yet there was still much room for improvement, and if in the select committee proposed, any measures could be suggested by which the instruction of the rising generation could be made more general in those densely-peopled districts, it would tend essentially to the repression of crime, and the elevation of the character of the labouring classes of the people. With these views he very cordially seconded the amendment of the hon. Baronet.

Mr. *Slaney* was satisfied with the terms of the amendment.

Mr. *Wakley* was sorry that the noble Lord did not rise after the amendment. In the mining districts the people were in a state of commotion. In the agricultural districts they were in distress, but they were quiet; yet the object of the committee was to inquire into the mining and manufacturing districts, thus treating the agricultural population with neglect. Nothing could be more unjust than the amendment. If there was to be an inquiry into the condition of the labouring classes, it should embrace the labouring classes generally, and especially those who had shown most patience under suffering.

Mr. *Hume* said, it should be understood whether the inquiry was to be into the civil or political condition of the people. The noble Lord had better allow no committee at all than a partial inquiry.

Lord *John Russell* said, his reason for objecting to the motion of the hon. Member for Shrewsbury was, that it would lead to inquiries into political grievances, and the suggestion of political remedies. As to the civil condition of the working classes, he had no objection to an inquiry, but he thought it not wise to institute inquiries into their political condition.

Mr. *Hume* asked whether it were the intention of the noble Lord that the committee should inquire into the price of provisions, and the Corn laws?

Lord *G. Somerset* asked whether the committee were to have the power of inquiring into the causes of the disturbances in Monmouth? Did the noble Lord conceive any committee so appointed as this, could be conducted without involving inquiry into political matters? He should be glad to have a committee with a definite object, civil, political, or economical; but he objected to a committee so appointed that some members might object to the introduction of political subjects, and others might wish them to be introduced.

Lord *John Russell* said, it was not at all impossible for the committee to inquire into the condition of the mining districts without going into political matters. If the noble Lord could suggest any more specific words, he was ready to agree to them.

Lord *G. Somerset* said, he now understood that the committee were to inquire into everything.

Mr. *Slaney* would withdraw his motion, and bring it forward in a different shape.

Sir *E. Knatchbull* had never, in his experience, seen the House of Commons in such a position. The hon. Member for Shrewsbury had brought forward a motion in a two-hours' speech, and the Government had not been prepared with any conclusive proposition on the subject. Any stranger who should have come into the House an hour ago, and tried to discover who were the Government Members, would be led to suppose they were the hon. Member for Kilkenny and those about him. The motion was of too vague and indefinite a nature, and such an inquiry should be superintended by the Government, which, in thus abdicating its functions, gave another decisive proof of its imbecility, which was felt from one end of the country to the other.

Lord *John Russell* said, the hon. Member for Drogheda had communicated to him a motion of this kind, and had stated that the object it had in view was connected with the well-being of the working classes, and not with any political object. He said he could not undertake to bring forward such an inquiry, but he had no objection to an inquiry into those objects. When other hon. Members said, they had political objects, he had declared that he was willing to agree to one object, and not to the others. He did not conceive that this was a state of things which ought to call for the strictures which the right hon. Baronet had made. His hon. Friend, the Under Secretary for the Home Department, had agreed to sit on the committee so appointed, and if he attended the committee, this was all the Government was bound to do, and he could not conceive that the Government, because it showed a readiness to acquiesce in a motion for inquiry in that House, deserved the invectives of the right hon. Baronet. He should hardly have been able to account for such an ebullition, if had not been for a recent disappointment and defeat.

Amendment and original motion withdrawn.

Indian Labourers in the Colonies.] Mr. *V. Smith* moved for leave to bring in a bill to extend to the British colonies in the West Indies, the act 5 and 6 William 4th, for regulating the carriage of passengers in merchant vessels.

Lord *J. Russell* said, there was a subject of very considerable importance on which he wished to take this opportunity of stating his opinions. He did not think it would be necessary for him to bring a motion regarding it regularly before the House, but the subject had engaged the attention of Parliament in the Session before last. He was speaking of the introduction of Hill Coolies into some of our colonies. Inquiries which he had made into the condition of some of that class who had been transferred to our colonies, led him to believe, that though in some of the estates of Demerara they had not materially suffered, yet on the whole the experiment in that colony had been unsuccessful, and considering the very great length of the voyage, the chance of their being without a knowledge of the country to which they were going, and the difficulty of carrying into execution any provisions for their interests, permission should not be given for their emigration to Demerara or the West Indian islands. With respect to another branch of this practice, the emigration of labourers from India to the Mauritius—the inquiries he had made, and the report he had received from the Mauritius, had led him to a different conclusion. In the first place, there had been introduced into that colony, in the course of three years, about 20,000 persons from India. It did not appear, as far as his inquiries had gone, that these men had been sufferers. On the contrary, they had received good wages, had been very well treated, were perfectly aware of the conditions on which they had come to the Mauritius, and able to enforce them on their masters. The intercourse between Calcutta and the Mauritius was very considerable, and by means of the ships which went and came, the Indian labourers had the means of communicating with their friends, and informing them of their condition. Many of these persons had engaged themselves for five years, and many more were now willing to engage themselves, not for five years, because that was not now allowed, but for a certain term. According to the regulations now enforced, it was not possible for the labourers to leave their employment, go to India for a short time, and then return, as many of them would wish to do. It had been proposed to him, that labourers should be allowed to go to the Mauritius, and engage themselves for a service, or as it was sometimes called, an apprenticeship of five years. To that he had objected, thinking that the present Order in Council, limiting the service to one year, was reasonable, and that if the labourers were satisfied at the end of the term, it would be far better that the engagement should be renewed from time to time, than that a contract should be entered into for so long a time on their first arrival. Besides which, no real comparison could be made between the situation of apprentices, and that of these labourers. The apprentice, after a certain time, might become a master workman, but these men were merely hired as labourers for a certain time, and there was no excuse for making that time of very long duration. But fixing the term at only one year, and taking all imaginable precautions, similar to the terms of the bill which his hon. Friend had asked leave to introduce, and as one branch of the supreme Legislature of the country, at its functions as the grand inquest of the nation, he never could entertain any doubt of its having authority to communicate to the people the whole of its proceedings. After the various speeches that had been made on this subject, and he might be allowed to say particularly after the speech of the noble Lord (Lord John Russell), in which so many instances were adduced, it was not necessary for him to cite to the House the circumstances, or the instances in which the necessity or propriety of such publication would be apparent. The power of legislation was one which the House possessed unquestionably to the very highest extent. No man doubted that they might originate in that House a bill to alter the succession to the Throne. Was it to be supposed, that they were not at liberty to tell the people of the country the grounds on which they proposed to absolve them from their oaths of allegiance, and to transfer their allegiance to another?—and if in any case that may be put, the right or propriety of such publication is admitted, it must assuredly follow as a necessary consequence that the House itself must be the sole and exclusive judge of the occasions which may call for it, and of the manner in which it shall be exercised,—for this must depend on political reasons, and political consequences, or affairs and considerations of state policy, of which no court of law can have any judicial knowledge, or any means of information. It was no answer to say, that no traces of such a power were to be found in the earlier periods of the history of that House. The House of Commons might not in former times have felt the necessity of making such communications. But in his mind the mode of exercising the functions of the House must vary with the altered state of society, and with the degree of political knowledge of the people. In the present state of society, and with the present degree of political knowledge, it was essential to the true working of the constitution, that the people who were to be bound in their lives and properties by the Houses of Parliament should have an opportunity of examining all the evidence taken before committees, and all the grounds on which legislation proceeded. Whatever feeling might exist, arising he believed from what had been mixed up with the privilege contended for by the House, he was sure that when t was known that the House was really contending for the right to communicate to them its proceedings, the House would be backed and supported by the public voice. It was idle—he said it with great respect to those who used the argument—to tell them that they might exercise the privilege of publication without putting forth matter defamatory of individuals. No caution could enable them to give the information which was necessary to the public, without publishing what might be defamatory of individuals. How would it be possible to examine the working of a law? Of what use would the committee on the poor-laws have been, if they were not at liberty to publish the evidence, or if every statement in that evidence affecting individual character might be twisted into a libel? No one could prevent the publication of such defamatory matter. Although he agreed with a noble Lord, whom he did not now see in his place, that it would be much better if more care were observed in the publication of evidence taken before committees, he must say, that no care could altogether exclude matter of this kind. He would venture to say, that if any one had overlooked the report and evidence which had been questioned, before it was made public, and found that the commissioners having made one report upon the state of prisons, which report was denied by the corporation of London, made a fresh report, in which they stated that the book of Stockdale was an obscene publication—he would venture to say that no man in that House, having so examined those reports, would have thought it necessary to withhold that part from the public. And in truth the two propositions were the same, for if it be necessary or proper to the due discharge of its functions till the House of Commons should have the power to direct any part of its proceedings to be published, why then it must follow as a necessary legal consequence that no such publication by its order can be a malicious publication; and although it might contain matter reflecting on the character of an individual, it cannot be made the subject of action or indictment for libel. He looked to this case, not as a lawyer—he looked to it not as a legal question. It was not, he thought, a question on which a lawyer could form a better opinion than any one else. It was, in his opinion, a great constitutional question; but he could not understand the distinction which was contended for by his hon. and learned Friend the Member for Oxford, when he said that there might be a privileged publication to particular persons and not to the public. He saw and could make no such distinction. The publication, if on a lawful occasion, ought to be privileged—no matter to what number of persons. Although he had said, that he would refer to no cases, yet he could not pass by one which had been so often cited in the course of these debates; the case of "King v. Lake," in which it had been held, that a publication of a petition to a committee of the House, was privileged, but that it was not lawful to publish it generally, if it contained charges against the character of an individual—that, however, was the case of a stranger to the House, who presented a petition complaining of certain grievances, and which contained charges against a judge—an action was brought against him, and it was held that it could not be sustained, for that he was fully justified in presenting such petition, and in publishing it to the members of the committee, to whom it was referred. But it was said, that he would not have been justified if he had published it generally, and no doubt he would not, for a stranger to the House, although he has a right to present a petition to it, can have no right of his own authority, to stick that petition up in the market-place, or to publish it elsewhere, and if he does, he must be answerable for such publication. And so it is in the case of individual Members of the Houses of Parliament;—they cannot be questioned for anything they say in debate in Parliament, but they are not justified of their own authority, in publishing out of the walls of this House, any speech made by them which reflects on the character of others. But the distinction is broad and apparent between this case of "King, v. Lake," and those of W. Creevey and Lord Abingdon, and that now before us;—here the publication was not by a stranger—not by an individual Member of his own authority—but a publication by the immediate order of the House of Commons itself, for the purposes of the House itself, and therefore to be considered as a lawful publication. He could not, then, but lament, when the matter of publication was brought before the courts, and that the action was defended by the House, that the judges did not, as he thought they ought to have, given credit to that House for not being actuated by any impure or improper motives; and the judges also ought to have given them credit for this—that when there was a publication by their order, they had no other object in view than the public good. He now came to consider what had been the judgment of the Court of King's Bench. It was not possible for him to speak in terms too high of his admiration and unfeigned respect for the judges of that Court, but after all the due deliberation that he could give to that judgment, he had come to an opinion which he felt he should be wanting in his duty if he did not state. He agreed with his hon. and learned Friend the Member for Reading (Mr. Sergeant Talfourd), that the judges of that Court would be the last men in the world to be displeased with finding that the House was of an opinion different from their's; or, with having their judgment canvassed in the delicate as well as able manner in which it had been canvassed by the right hon. Member for Tamworth. Members of that House had a right to canvass it in the same manner, and with the same delicacy as if it were discussed before a court of error. The judges, he was sure, would not be displeased with such an expression of opinion by him; nor when it was given upon the higher authority of the right hon. Member for Ripon, who stated that on this point the judgment of the Court was erroneous; nor of his hon. and learned Friend the Member for Liverpool, who had given an opinion to the same effect. In their opinions he concurred. At the same time he must say, that he had heard in the course of the debate, knowing so well as he did the judges of that Court, and the high position that they had attained, not only in the estimation of the profession, but of the public at large—considering these things, he would say that he had heard some observations in the heat of the debate, which had given him the greatest pain. He should say, however, no more upon that point; it was not his wish to excite any heat or dissension among them; his object in rising was with a very different view, and he would be most happy if he could induce the House to put some termination to the present unhappy dispute. He thought that he ought to state this, that though he was perfectly uninformed as to the reasons which induced the committee in 1835 to draw up a resolution for the general sale of the papers of the House, yet, that there was nothing in the whole of their proceedings, which excited so much of misapprehension as to the proceedings of the House as that very resolution. He knew that, in a legal point of view, that made no difference. The judges have all said, in the course of their judgment, that it made not the slightest difference, and yet it was impossible for the House not to be aware of what was the general impression upon this subject. It was not, he assured them, an impression confined to those persons who ordinarily looked to the mere surface of a subject; but it was to be found amongst persons of the very highest education, and who took their stand upon this proceeding; and who, while they thought there ought to be no question upon the right of publication in the House, yet denied their right to allow their servant to keep a shop to dispose of their publications. That was a circumstance which had led to very great misapprehension; and as he thought that the powers and privileges of the House should be supported as much as possible by public opinion, he must say that he should be glad were the resolution abandoned, and the orders for sale rescinded. He thought it right to state the opinion he entertained of this power of publication which he thought essential to the due discharge of the duties of the House—and because he made the strongest possible distinction between that power or privilege, and the right which the House was now claiming of interfering with the courts of law—it was that created all their difficulties. In the last Session, after the adverse decision of the Court of Queen's Bench, the House had come to a resolution in the case of Polack, and had then directed their officer not to plead to the action—not to take any notice of the proceeding—but to allow judgment to go by default. That action was not proceeded with; but in the vacation, the Speaker, acting on the resolution of that House, had directed Mr. Hansard, upon a new action being brought, to allow judgment to go by default; and the consequence was, those proceedings in which they were now engaged. That resolution, no doubt, had been carried by a very large majority, composed of all parties in that House, and, therefore, he fairly admitted that the Speaker had no other course to take, than to give the direction that he had given. He must also say, that after the large majority by which the resolution had been supported, it was hardly possible for the noble Lord, or her Majesty's Government, to take any other course than the one they had taken. But he must say, for himself, that he was no party to that resolution; he was not able at that time to attend to his duty in Parliament; and he could not bring himself to approve or confirm it, nor sanction any proceeding that was a necessary consequence of it. Nor was he able to vote for any one of the committals which had taken place, for he thought that they were attempting to enforce the privileges of the House in a manner that could not be maintained, and to assume powers which the constitution did not give them, and which he thought would be ineffectual. He observed, that the noble Lord, in the course of the discussion, had drawn him in for a share of the responsibility, in advising the House to take the course of pleading to the action brought against Mr. Hansard, in 1837. He had not advised the House on the occasion, but he freely admitted he had stated his opinion openly and decidedly that the House ought to allow their servant to plead to that action. He expressed this opinion directly after the resolution in 1837 had passed. The proceedings which had taken place since, and the adverse judgment of the Court of King's Bench had not shaken that opinion. He never could agree that the judgment of the Court of King's Bench had placed the House in a worse position. It was true that by pleading in 1837, they had postponed the evil day. If they had not done so, a sheriff's jury would have been summoned, damages would have been given, there would have been execution, and they would have had the same scene then, which they had now. They might then have attempted to prevent Stockdale from getting the money; and, as far as that action went, they would be in the same position that they exactly were now—but looking at it as a constitutional question, and independent of the practical difficulty of the matter, he did not, in his judgment, think that the House had a right to direct its servants not to plead; nor had it any right to interfere with actions in the Court of Queen's Bench. No doubt it was true that this House was the exclusive judge of its own privileges—he did not deny it. No doubt, the House was the exclusive judge of a breach of its privileges, and had the power of committal; but then he did not think that if a servant of the House should be questioned for any act done under their orders, that they had a right to deprive the courts of law of their jurisdiction over that servant. He did not think that they ought to take the decision from the ordinary tribunals in any case that a plaintiff might have a ground of action against a defendant. The plaintiff might have a ground of action which their privileges did not protect. In this case the publication might possibly have taken place under such circumstances as to deprive the defendants of this ground of defence. And then, if they made no case at all, if they declined submitting to the ordinary tribunals, then they sought to deprive the plaintiff of that to which every subject had a right, that a jury might determine and a judge consider the cause of his complaint. Would they allow him to give an illustration of this—it was by stating that which, in all probability, would soon take place. They had committed Mr. Stockdale—no one could doubt that he would bring an action against the Sergeant-at-Arms. If Stockdale brought an action for false imprisonment, what course did the House mean to take? Would they act on the resolution of the last Session? Would they not suffer any privilege of the House to be submitted to the decision of a court of justice? Would they not allow the judges to decide that matter? Would they direct the Serjeant-at-Arms not to plead? Then he would suffer judgment to go by default. A jury would be empannelled; and what damages, he asked them, would be granted in a case of false imprisonment where no defence was made? How were they to prevent the plaintiff from recovering those damages, if the judgment were given in the recess? They might imprison the plaintiff—they might imprison the sheriff—they might imprison the counsel—they might shut up all these in prison; but they could not prevent a jury being empannelled, they could not prevent a judgment being obtained, and they could not prevent the money from being paid over to the plaintiff by the sheriff. Then the whole of what they did would be useless. What right, he asked, would they have to interfere, if the party had another cause of action beside that which was done under their orders? Supposing that the warrant was a sufficient ground for imprisonment, and he himself said it was, yet their officers might have used more force than was necessary, he might have imprisoned the party a longer time than they had directed—there might be the same case raised as in that of Sir Francis Burdett against the Sergeant-at-Arms—there might, as in the well-known case of Jay and Popham, where the Sergeant-at-Arms was stated to have extorted money for the release. Surely his hon. and learned Friend the Attorney-general would not say that the courts ought not to interfere and inquire into these things. No one would say that the Sergeant-at-Arms had a right to use more power than was necessary. The order of the House might be a sufficient justification for the committal, and yet circumstances might take place to deprive the officer of the protection of their privileges. Supposing, however, that they took a different course—and he begged the attention of the noble Lord to this—on an action being brought against the Sergeant-at-Arms, if they pleaded as they ought, then the Court of Queen's Bench, beyond doubt, would decide in favour of the defendant. There would be no doubt upon this proceeding, whatever doubt might be entertained as to any other; for the court had already decided that they were the sole judges of their own privileges, and had a right to commit by a general warrant. The court had so held it. In that action, therefore, the House will probably consent to plead; by so doing, they submit to the decision of the King's Bench, whether their resolution and their warrant are a sufficient defence:—the Court might mistake the law, and hold that they were not, but the possibility of one of the courts giving an erroneous judgment even against the privileges of the House of Commons, was no argument in his mind, for this attempt to interfere with the constitutional tribunals of the country in their administration of the law; for he agreed with the Attorney-general, and he said, that whatever were the privileges of this House, they were like the privileges of the other House, and the prerogative of the Crown—they were a part of the law of the land. That was an expression used by the Attorney-general, and he entirely adopted it; and he said that it was impossible that any matter relating to the privileges of that House or to the privileges of the House of Lords, or to the prerogatives of the Crown, could be otherwise supported than by the law of the land. The law of Parliament was a part of that law. He did not deny that occasions might occur in which questions could arise involving their privileges, and which might become subject to the decisions of courts of justice. If they were, how were they to be decided? Like every other matter of law, the judges were to decide upon them. The judges were bound to decide according to their view of the law: but honestly and conscientiously according to their view of the law. If the judges decided wantonly or corruptly, and thus sought to set aside the privileges of the House, or the prerogatives of the Crown, they could be punished by impeachment. But if honestly and conscientiously their judgment was given against the privileges of the House, then they were not to set it aside by summary interference upon their part; but they were to bring a writ of error. He did not agree with what had been said on the other side—that they would thus hold their privileges at the mercy of the courts—they would no more so hold their privileges than they so held their lives and liberties. Matters involving the privileges of the House were like matters involving the liberties and properties of all—they were to be decided according to law. At the time that the powers of the House were highest, the courts of law were in the constant habit of deciding questions involving them, as well as involving the prerogatives of the Crown; and so it was, at present. with respect to questions involving the life and liberty of every man in the country. Why, then, were the courts now not to decide questions accidentally or incidentally involving the privileges of the House. Their proceedings were not consistent. The Attorney-general had said that the House should act consistently, and that it ought to push the case to its termination. He asked his hon. Friend, how would this case terminate, and to what end was it that he looked? How did he intend to deal with the action pending? Was it not plain that if they did not take a different course—if they did not pass a legislative measure, which, after all, could only refer to the action for libel—for it could not prevent an action for false imprisonment—if they did not take a different course, their proceedings would be of no avail. And yet, not taking a different course from that which they had already adopted, they would still not be consistent. They said they would not submit to the Court of King's Bench deciding their privileges—they said this and yet the most vital privilege of the House had been submitted to the decision of the Court. He did not refer to Hansard's action, but to the return on the writ of *habeas corpus*. The Sergeant-at-Arms attended with their warrant when he was called upon by the court, and the court decided that the warrant was a legal ground for detention. That course had been taken with the approbation of the House, and on the recommendation of the Attorney-general. He did not say this as a reproach; for he thought it was the only right, proper, and constitutional one for them to pursue. He thought that the House was perfectly right in telling their officer that he was bound to appear before the judges, and that he ought to have stated to them the ground on which he held a person in custody. But then it was stated that they would maintain their privileges, and not submit them to the courts of law, and yet they had submitted to the courts in the course of these very proceedings the most vital of their privileges. Those on the opposite side said, that the Court of Queen's Bench would not be bound by their warrant, and no doubt the judges might have given a judgment against them and discharged the sheriffs from custody: they had not done so; they had given a direct decision in favour of the power of the House, and what right had they to assume that the judges would decide against the law, as regarded their other privileges? He knew what had been done by the judges on one occasion—in his opinion they had given an erroneous judgment on the demurrer in Stockdale's case. But, then, was it for the House at once to declare, that because the courts had come to an erroneous judgment, they would set the courts at defiance, and in no case permit the courts to interfere? He said they could not do it—the Constitution did not presume any hostility between the courts of law and the Houses of Parliament. They were never to presume that the Courts would decide against the law, no more in this, than in any other case. He asked the Solicitor General if the doctrine he contended for was this—that no question involving any privilege of the House of Commons should ever be submitted to the courts of law. Such a principle was not only unconstitutional, but it was altogether impracticable. Let them trace the matter further—civil actions were now pending—but why might there not be a criminal proceeding in consequence of all they were doing? Supposing a life to be lost in the execution of their orders—that their officer was killed, or that the officer killed another—what tribunal then would investigate that transaction? The House of Commons, in such a case, would neither have the power to investigate nor to punish. The case then must be tried before the ordinary tribunals. And again, then the judges would be called upon to decide as to their privileges, because the question of the guilt or innocence of the party would depend upon this—whether the House of Commons was justified in giving the orders under which their officer was acting, and ing their public duties according to the best of their abilities and as their consciences dictated. Hon. Members ought to recollect that the sheriffs were not volunteers. They had not come forward willingly to enter into a collision with that House. They held a public situation, and they were bound to perform the duties of that situation; and he therefore considered, no matter whether erroneous or not, that the public feeling and sympathy were directed towards men who, acting in the discharge of their duty, had obeyed the writ of the Court of Queen's Bench. How did they mean to deal with the sheriffs? How long did they intend to keep them in custody? Was it merely to punish them? They had been imprisoned already a fortnight. His hon. and learned Friend, the Attorney-general, had said, that this was no very severe punishment. He could not agree with his hon. and learned Friend, that because the sheriffs were confined in the rooms of that House instead of being sent to Newgate, that therefore their imprisonment was not very severe, for the House should recollect that the sheriffs were men of business, having their trade and affairs to look after. But to say nothing of their public duties, it was a serious, a severe punishment to interfere with their private duties and business. He knew not whether it was the feeling of that House, or of a portion of it, but looking even at this matter as a vindication of their privileges, he for one would vote that the sheriffs be discharged unconditionally from that House. He said unconditionally, because he did not feel that they had any right to endeavour to extort from them, as a condition of release, an expression of regret for doing what they felt they were bound to do. He did not think that that was a situation in which men of honour and character ought to be placed. Although, therefore, he did not know, as to the course of proceeding, whether a petition from the sheriffs was an essential part of the proceedings before they could be discharged, he certainly hoped that they would be discharged without extorting an expression of regret from them for having done an act which they considered themselves bound by their duty to do. He did think that if the House took this course, it would go farther than anything else to satisfy the public mind, and he could not help thinking that the public mind was not to be disregarded on such a subject. Such a course would go very far to satisfy the public mind, even if that House had taken an erroneous course, if they were mistaken, that they had no other object in this proceeding but a wish to preserve a privilege which they considered essential to the public good. He thought that this would be a right and just course, but he also thought that it would lose half of its effect if it were only adopted after a division of the House. He should be glad, therefore, if the noble Lord the Secretary of the Colonies could think it consistent with his duty to make the proposition which had been made by his hon. and learned Friend the Member for East Sussex. He wished the noble Lord would make a proposition for the discharge of these gentlemen from prison. He was sure that that was the best course that could be pursued. If, however, the noble Lord thought that this course could not be taken, and if this matter should be pressed to a division, he could only say that he should feel it his duty to vote with his hon. and learned Friend for the immediate discharge of the sheriffs.

The *Solicitor-General* begged to assure the House that he never addressed them upon this question but under very considerable anxiety, and under a feeling of deep responsibility. From the moment that his attention had been first addressed to the decision of the Court of Queen's Bench, he was so struck with the consequences of that decision that he did not anticipate that that House would be able to escape from a very serious difficulty. When the committee was appointed to take into consideration the proper course for the House to pursue in consequence of that decision, he certainly did not spare any diligence to inform his mind, by collecting materials for forming a correct decision. But feeling the deep importance of the question, and also feeling the infirmity of his own judgment, while at the same time he entertained the strongest opinion, he took all possible care that he should not offer to that committee any suggestions of his own, without taking the utmost pains to render those suggestions in some degree worthy of consideration. When, therefore, he had sketched the draft of a report, he sent it to his hon. and learned Friend who had just addressed the House, for whose judgment he, in common with all who knew him, entertained the greatest respect; he sent a copy also to his hon. and learned colleague the Attorney-general; and he sent a third copy to his hon. and learned Friend the Member for Huntingdon (Sir F. Pollock). He solicited his hon. and learned Friends to do him the honour to read and consider every line and paragraph of that report; and he also solicited them to give him a meeting at his chambers, in order that at least upon that occasion the lawyers, instead of assisting, might not embarrass the committee, by having a difference of opinion upon a matter on which the committee had a right to expect their assistance. Suggestions were made by each of his hon. and learned Friends, and he adopted them all. He had inserted in his draft of the report to be submitted to the members of the committee, the reasons why he thought the House had not been wisely advised in the course they had taken in the case of Burdett and Abbott; and he had ventured to suggest the grounds on which he supposed that the House had at that time acted, in order to lead to the conclusion, that however good the reasons were which might have influenced the House at that time, they were not reasons of a permanent nature, and did not stand upon the same grounds on which the present case stood, and, therefore, did not form a precedent for the House. He considered that, as the subject matter of complaint in that case was a libel, stating that that House was not a true representation of the people, and as very strong opinions were entertained on that subject, he had stated that the House probably did not think it wise to throw themselves upon public opinion upon that occasion. The House possessed considerable influence in the Court of King's Bench as then constituted, and as there was a much greater chance of judgment being obtained in favour of the House in the Court of King's Bench, than that there should be anything like an unanimous opinion in the then state of the representation, in favour of the assertion that it was a libel to say that that House did not truly represent the people; that was the reason in his opinion why the Court of King's Bench was terrified. His hon. and learned Friend, however, who had just addressed the House objected to anything being said on the subject; and, conceding the point to his hon. and learned Friend's judgment, the whole of the comment was struck out, and the precedent stood before the House of pleading to the action in that case of Burdett and Abbott, accompanied only by matter calculated to impeach the course that arose out of their own previous resolution, to the effect, that the bringing such an action was a contempt of the privileges of the House. The report recited, that in the case of Burdett and Abbott, proceedings by plea had been adopted on the part of that House. The committee, in presenting their report to the House, not only had the benefit of the judgment of the enlightened members of that committee, independent of the professional members, but they had also the best judgment of all the professional members of that committee. That report having been presented to the House, led to resolutions founded on the suggestions of the report, of which the House was aware; and although he rejoiced that his hon. and learned Friend had now favoured the House with his view on this subject, yet the House could not but consider it a great misfortune that they had been led to act upon that report, that they had adopted resolutions founded upon it, having the sanction of his hon. and learned Friend, as well as the rest of the committee, that they had acted upon it up to the extent of the present moment, but that now they found his hon. and learned Friend's opinion changed with regard to these resolutions upon which the House had acted, and by means of which they were placed in the situation in which they stood. He could not but express his regret with respect to the course adopted by the House, that it had not now the sanction of his hon. and learned Friend. He had said that he never addressed the House without feeling a deep responsibility on this subject. He felt so when he acted as an individual Member of the House, when he had no right to suppose, and did not suppose that he could have any other influence; and he must say that he felt an additional responsibility from the situation in which he now stood. Although the opinions he had formed might be entitled to no reliance whatever, he begged to assure the House that he had as anxiously considered the subject with a view to form as correct an opinion as he possibly could, and the opinion he would now give was the result of as much labour and as much consideration as he could bestow on the subject; and he did feel that that House had never been called upon to consider and determine upon any question more important in any age of the country than the question then before it. The hon. and learned Member for East Sussex took credit for omitting the subject of privilege. His hon. and learned Friend near him (the Attorney-general) justly reminded the hon. and learned Gentleman that he had omitted what was all-important in considering this question. That House, he was sure, had no resentment against the sheriffs. No Member of that House felt otherwise than a feeling of regret at the deep necessity of the case which imposed this duty upon them; and when his hon. and learned colleague used the expression that the sheriffs did not appear to have suffered much, he alluded to what the newspapers reported of their levees, their feasts, and so on; but he was sure his hon. and learned Friend did not mean to attempt in a British House of Commons to undervalue the loss of personal liberty. Whether the imprisonment was for a day, or for a longer period, if it were not consistent with law and justice, and did not excite the sympathy of a British House of Commons, where were they to expect sympathy from. He, therefore, willingly admitted that this was a very grave subject—grave as affected that House, and extremely important as it affected the sheriffs now under restraint;—but what was the position of the House at that moment? Although it was his intention, if called upon to speak in the course of this debate, to advert to the general subject of debate, he did not expect that the House would be called upon to come to anything like an opinion or conclusion upon this subject, under a motion of the present form. That House had resolved that the privilege of publishing their proceedings was essential to the due discharge of its functions. The House had resolved that that House was the exclusive judge of what privileges belonged to it, and that any action or proceeding to bring those privileges under discussion for the decision of any other tribunal was a contempt of that House. Had the House since adhered to the opinion that this privilege was essential? If that were so, did or did it not form a question for consideration, whether the sheriffs of London ought or ought not to be discharged? They had been taunted with a statement that that House was wholly inefficient, and that if they attempted to exercise any power, they would find themselves utterly defeated and would only bring themselves into contempt; and he admitted that if they followed the advice of his hon. and learned Friend, that would be the result. But he protested against hon. Gentlemen who declared that contempt would follow their proceedings, and then recommended a course directly calculated to produce that end. Had the privileges of the House been vindicated? The House stood in this position—that the very persons under restraint were defying them. If the sheriffs chose to be contumacious, what was the House to do? How did the case stand at that moment? The sheriffs pertinaciously adhered to the course for which they had been committed. Was that vindicating the privileges of the House? Certainly not. When he was asked by his hon. and learned Friend how long he proposed to detain these persons in imprisonment, he begged to say that he for one, feeling that the interests of the kingdom were at stake, would vote for detaining them till the privileges of that House were vindicated. He hoped that he was not a cruel person; but being there as one of the representatives of the people of England, and the question being, whether they should have an independent House of Commons or not—for that was the question—he said, that private feeling must give way, and that he should be unfit to fill the station which he held, as representing the interests of the people of these kingdoms in that House, if he were not prepared when he believed that the efficient existence of that House was at stake, to stand by and persevere in a course by which only could the privileges of the House be vindicated. They had been told that their power was little. Why then give up that little? They were told that they could not vindicate their privileges. But why give up the means which they possessed of at least making the attempt? There was no just reason for such a course. At present the matter stood thus—that the House, having resolved that it was a matter of the deepest importance that their privileges should be vindicated, here was a motion made to discharge the sheriffs, who remained as wholly disregardful of the privileges of the House as at any period in the course of these proceedings. He was exceedingly glad that his hon. and learned Friend had favoured the House with his opinion that night, because if he were wrong in the opinion which he entertained, he would be safe from causing any injury by misleading the House, as his hon. and learned Friend was there to correct him. All the hon. Members present would recollect the judgment pronounced in the Court of Queen's Bench. His hon. and learned Friend had expressed regret that some expressions had been used in that House not quite consistent, as appeared to him, with the respect that was due to the courts of law. He knew not to whom such expressions had been used. He did not recollect to have heard any of which any person could complain; but he did wish that there had been something like reciprocal respect on the part of the court. He did wish that that spirit and feeling towards the Court of Queen's Bench, as a high tribunal of justice in this country, which was felt by almost all the Members of that House, that the necessity of speaking with respect of such a tribunal had been reciprocal; but he must say, that the same sentiment was not quite so apparent in the Court of Queen's Bench. He should say, that statements contrary to law, and contrary to what was due to the House, had continually been made the basis of argument in that court. He did say, that in the very last argument insinuations were thrown out against that House which he thought not consistent with the respect due to the House. He agreed most perfectly with his hon, and learned Friend, that this was not a time when any good subject of this country would do or say anything that could diminish the respect that was due to the constituted authorities of the country; but he begged to call to his hon. and learned Friend's mind the fact, that the House of Commons was one of those constituted authorities; and he would say, with regard to that House, that charges of abuse, of malice, or of concealment, were as little warranted by the laws of courtesy and respect, as they were with regard to the Court of Queen's Bench. If that House were disposed, which he was sure it was not, and hoped it never would be, to take exception to small or trifling matters, much had passed in that court to which they might justly take exception. Even the very style and course of argument of the bar were such as, he would venture to say, had never before occurred within the memory of his hon. and learned Friend. But that House was engaged in a question of much too great importance to attend to petty attempts at insult, not worthy of the attention of the House. He begged only to observe that he hoped, whatever conflicts might arise, that both tribunals would be treated with the respect to which they were constitutionally entitled, and of which they could not be deprived without great injury to the public. He, for one, was quite surprised at the course which the argument had taken. He should observe, that whenever the committee—it had been revived, he believed—should come to make a report upon the judgment of the Court of Queen's Bench, he trusted that they would have the valuable, or rather invaluable assistance of his hon. and learned Friend; for in his humble opinion, a more unfounded judgment had never been pronounced by any tribunal. That judgment had been given in opposition to the whole stream of authority during a long course of time. Authorities were mis-stated (no doubt, unintentionally), important points were passed over, and he would venture to say, that altogether, it was as little warranted in its conclusion, as any judgment that had ever been pronounced. Now, what were the constitutional grounds of the question? His hon. and learned Friend said, that they ought to submit their privilege to the Court of Queen's Bench, that they ought to plead, and afterwards bring in an appeal in error to the House of Lords. Why, what if their plea were overruled? He would ask, was it not true that the beauty, strength, and permanence of the constitution consisted in there being three independent branches of the Legislature, and had the House of Commons, as one of them, no powers? Its existence in the year 1840, was the best evidence that it had. Through what corruptions had it not passed, from what quarters had it not been exposed to attack? And yet it existed, and in a condition to maintain its position and privileges. Yes, there were three independent branches of our constitution, and upon the importance of this point, he would beg to read a few lines from Mr. Justice Blackstone's Commentaries. It was known that an edition of that work had been edited by Mr. Justice Coleridge, one of the judges who had pronounced against the privilege of the House of Commons, and in that edition, he found the following words. The hon. and learned Gentleman read the passage:—

> "The constitution of the Government of this land is so adroitly tempered and compounded, that nothing can endanger it but destroying the equilibrium of power between one branch of the Legislature and another; if the independence of any one of the three branches were lost, or if it was to become subject to either one of the other two, this would soon end the constitution."

Now, if this House only held its privileges subject to a judgment in the Court of Queen's Bench or any other court, or in the House of Lords, as a court of appeal, in the last resort, he would ask, could it be said to be independent — was its equilibrium maintained?

No, its powers were gone, as a branch of the constitution, it was destroyed. He had understood his hon. and learned Friend to say, that there were no laws of Parliament as distinct from the common law. [Sir *W. Follett:* No!] He had certainly understood his hon. and learned Friend to say that the privileges of Parliament depended on the general law of the land; those, he believed, were the very words his hon. and learned Friend used, and then he would ask what was meant by the general law of the land? Was it meant to be denied, that there was a law peculiar to Parliament, a law not dependent upon, nor part of, the common law, and not executed by the processes of common law? That there was a Parliamentary law, just as there was an ecclesiastical and an admiralty law, distinct from the common law, this was what Mr. Justice Blackstone said. The hon. and learned Gentleman read another passage declaring that:—

> "The law and custom of Parliament had its origin and existence in one maxim, that all the privileges of the House of Commons should be discussed in that House only, and not elsewhere. It rested with Parliament to declare and vindicate its own privileges, and, therefore, the independence of both Houses was best maintained by keeping their privileges indefinite."

The only difference that he could see between Mr. Justice Blackstone and Mr. Justice Coleridge was, that whilst the former during a long and splendid life, maintained the same opinion upon this subject, the latter had seen occasion to alter his. Parliament had no privileges but what were necessary to the execution of its functions, and to enable them to do justice to the people. This was the principle upon which the privileges of Parliament were based, but it was essential that in defence of those privileges each branch of the Legislature should stand firm, and resist the encroachments and interference of the other authorities. This was a most essential point, because no one could anticipate the nature of objections which might be taken to them, the quarters in which they might be made, and the manner in which they should be met, and which must necessarily vary with circumstances. But the House of Commons was designed especially to check the encroachments of the Lords and of the Crown, especially of the former. Now, if the House of Commons became dependent upon ths House of Lords, as it would be, if it were to submit to an appeal there, how could it have that effect, for which, amongst others, it was designed? How would it be possible for them to resist the encroachments of the other House, if they were to submit to a judgment there? And how could the people of England, through the House of Commons, maintain their share of the power of the constitution? This was the question at issue, and upon this depended whether they were or were not to be the judges of their own privileges. See how often questions of privilege might arise. Take, for instance, the power of examination of evidence. There was not a witness or a paper which the House might call for, but the Court of Queen's Bench might interfere, to say whether it was necessary or not. The Court of Queen's Bench said, that the privileges of the House extended to all that was essential for the due discharge of their functions; but who was to decide what was essential to that purpose? Which was the fittest tribunal to decide that question, the Court of Queen's Bench or the House of Commons? The judges had to decide the common law and the statute law of the land; but was it part of that to decide upon the inquisitorial functions of the House of Commons? The judges said, that they would admit all the privileges which were necessary for the due performance of the functions of the House of Commons; and he did ask was it not necessary towards the due execution of those functions, that they should put those whom they represented in possession of all the information in their power, and upon which their legislative decisions were founded? Looking at the question in that light, how was it possible, consistent with the due discharge of its functions, that the House of Commons could ever become dependent on the House of Lords in the matter of its privileges? The question in reality was, what power had the people of England, through the House of Commons, to maintain their proper share in the constitution? And that question depended on the other, whether or not the House of Commons was the judge of its own privileges? Looking at the constitutional functions of the House of Commons, many cases might arise in which not to have that privilege, would render its proceedings a nullity. For instance, in cases of examination before a committee, when, according to the law of of Parliament, the strict rule of evidence, as followed in courts of justice, was dispensed with at the pleasure of the committee. Suppose the Court of Queen's Bench took it upon itself to direct the Committee as to the necessary evidence, or to summon the witnesses before itself, or Mr. Gurney, the short-hand writer, or even one of the Members, for the purpose of compelling the disclosure of what took place. That would be one of the results to which the concession of a power to decide on the privileges of Parliament to any other tribunal but Parliament itself, would necessarily lead. The duty of the Court of Queen's Bench was to administer the common and statute law of the land: it had nothing to do with the administration of the law of Parliament. When, therefore, that court pronounced the publication of the report in question unnecessary, it was a striking indication of the little safety there would be for the privileges of Parliament in its hands. Then again, if the decision of the Court of Queen's Bench as to the necessity or non-necessity of the privilege in question were admitted, what other privilege might not also be questioned by the same power? It might compel Members to serve on juries, in such a case, or it might even pronounce that exemption from arrest and freedom of speech were not necessary. How, then, would the House be able to act in cases of impeachment? how in case of particular bills? for both of which evidence of a peculiar nature might be necessary. In fact, there was not a single function of the House which would be unaffected by the assumption of the Court of Queen's Bench. Publishing its proceedings was the smallest part of the great subject which that assumption opened up. The Court of Queen's Bench in this instance went far beyond its scope, by starting a new principle—the supervision of all the privileges of the House of Commons. The personal character of the judges of the present were far different, no doubt, from those of former times, and it was much improved by the law which made them independent of the Crown; but that law gave them no new jurisdiction, and they had no more power over the proceedings of Parliament now than they had when they were the most servile and slavish persons in the community. Yet the privileges of that House were not denied by the latter. The constitution of this country was not, however, formed for any given person, or to be applied to any given time. The House of Commons existed because it had the power to defend itself from assault. The inability to attack it, took away the desire to do so. To surrender that power would be to forfeit the means of doing its duty to the public. That power was its privilege. Each branch of the Legislature was designedly constituted so as to watch over and check the other branches. If that position were true, would it be consistent with that design for that House to become as it were the tenants-at-will to the House of Lords? That House was constituted to keep the prerogative of the Crown under control. Where did King Charles the First find the firmest support in the exertion of his prerogative — where did he find the fullest sanction for levying ship-money but in the courts of justice? How then, could the House of Commons discharge its functions in the constitution, if its privileges, which were its power, were dependent on the decision of the judges of these courts? When the constitution of this country was first framed, the two Houses of Parliament sat together, and it was clear that for many purposes they formed but one court—that was to say, a court of judicature. The courts of justice were in the frequent habit of referring to it when difficult cases arose before them, and the Statute of Treasons of Edward 3rd, contained a clause which forbade the judges to pronounce on any point that might arise on its construction, until they had taken the opinion of the Legislature. Writs of error now, were not as of the House of Lords alone, but as of Parliament; and Chief Justice Holt stated in the celebrated Banbury case, that the judgment of that House was not competent and of force unless it was considered as of King, Lords, and Commons. At no period, in fact, were the courts of justice in a condition to exercise any jurisdiction over Parliament. Could it be permitted that they should assume it now? Another point upon which his hon. and learned Friend spoke, was their liability to abuse their privileges. He admitted, that every tribunal, in the exercise of its privileges, might run into abuse. That was a possible danger which would never be entirely got rid of. But if the privilege were taken away, or subjected to another tribunal, still it would be liable to abuse there, and then there would be a double abuse. The prerogatives of the Crown, also, were liable to abuse. Take the prerogative of mercy for instance. Why, this was a prerogative which was open to much abuse—it might be bartered for—and men's lives bought and sold; but that was no sufficient reason why the prerogative of mercy should be done away with. So, also, the jurisdiction of the House of Lords in error was liable to abuse—to that species of abuse which every human tribunal and institution of every kind would never be entirely freed from. It had been said, that the House of Commons might stretch its authority so far as to do many extravagant things; as, amongst others, to order a person to be put to death. Well, now, even suppose they were to arrive at this state of things would they be prevented in their proceedings by the Court of Queen's Bench? No! Before they could attempt anything of this kind, they would have arrived at a height of tyranny which no court could restrain, and all the institutions of the country would have been swept away before it. But the supposition was too extravagant and devoid of all reason or probability to come in the way of the argument at present. Lord Ellenborough, in the case of "Burdett v. Abbott," was pressed with some extreme proposition of this kind, which he waived answering as long as he could, but at last said,

> "That it was not reasonable, it was not decent to expect such a thing from the House of Commons, but that if such a case were to occur, the courts of law would do their duty."

This opinion had been attempted to be made the basis of an opinion that the courts of law would, in some cases, examine into the proceedings of this House; and that this was a case in which they might do so. The privileges of this House were not for the personal advantage of its members, but for the service of the public. Even that of privilege from arrest, was in order that the public might have the benefit of a Member's attendance to his parliamentary duties. But if this doctrine were established on the part of the Court of Queen's Bench, every one of their privileges would be in the hands of the judges of that court. In the case of Pemberton and Jones, they were committed for acting and pleading at the bar of the House of Lords, against the orders of their House. Did those persons appeal to the courts? No. The first case in which the privileges of the House were decided upon by the courts, and that was relied upon by hon. Gentlemen opposite, was an opinion entirely extra judicial. Sir Orlando Bridgeman, who greatly disliked the House of Parliament, who was the friend and the adviser of Charles II., went out of the way to express an opinion against the privileges of the House. He gave an opinion that a Member was not privileged to be free from suits during the sitting of Parliament—a privilege which had existed down to the time of that judgment—a privilege which had existed by the joint declaration of King and both Houses, and which continued down to the period when it was recently and voluntarily abandoned. The act of 3d William III., c. 3, was the first act that limited expressly the privilege of arrest; the act of 11th George II., c. 24, was the next for the same purpose; and the act 13th George III., c. 50, was the last. These acts took full notice of and modified that which the judge had decided not to be a privilege—a privilege which he could show, in page after page of the Journals, had been exercised down to the very time of the incidental denial, which continued after that extra judicial decision, and which was at last decided by act of Parliament. That was the case which was the main foundation for the present judgment. The question now was—was the House of opinion that it was part of the British constitution to have an independent House of Commons? If that should be the case, the House of Commons was charged with the duty of watching that privilege, and of resisting all attempts at encroachment which might proceed from either of the other branches of the Legislature, as they were charged with the reciprocal duty with regard to that House. If that were the constitutional doctrine, was it to be a consequence that every privilege should be brought to the decision of a Chief Justice Jeffries, or of a Chief Justice Keating, or of any other man who should be of equal notoriety in history? He did not mean to say a word against the respectable man now on the bench; but others might come. And he called upon the House, and he looked to the House to maintain this one privilege, because if it were not independent of the House of Lords, all privileges might be successfully attacked. It was not a part of the constitution to give a privelege without giving to that privilege a place in the constitution; and if the privilege were not to be maintained, the constitution was destroyed. The recognition by the King and Lords, and the assertion of the House of Commons of its independence of the other branches, were without end. There were instances without number, that the House had not only a constitutional, but a judicial power. He would read to the House the names who admitted most fully that the House was the sole judge of its own privileges. Among the judges who held that the courts of law had no jurisdiction to judge of the privilege, were first the twelve judges in Thorpe's case. It was laid down also by Coke, by Pemberton, by Jones, by Denman, by Wright, by Foster, by De Grey, by Tenterden, by Mansfield, by Fortescue, by Erskine, by Kenyon, by Powell, by Gould. From each of those judges he could produce the distinct statement that the House was the judge of its own privileges, and that the courts of law had no jurisdiction. Did the House learn, in the present judgment, what was contended for in the former? Did it not show the uncertainty there would be in passing through all the courts? For if they went to one, they might go through all—they might go through many from which there was no appeal, There might be a discharge under a *habeas corpus*; there was no appeal from that. Then, again, there might be a commitment under a general warrant; still there would be no appeal. And many other proceedings might arise in which there could be no appeal. The House would, in fact, stand on such a basis, if it rested for its privilege upon the courts of law, that it could not act in any case whatever. Their attention had been already called to the necessity which might possibly arise for the suspension of the Habeas Corpus Act; they had been referred to the necessity of passing strong measures of legislation. They might have to act on a sudden; they might require to send for witnesses or for papers. Suppose, in coming, a witness should be arrested, or suppose he should not choose to come. Suppose they should want a witness from Birmingham, or Bradford, or Sheffield, or any other disturbed district. Was the Court of Queen's Bench to decide whether the witness should be held under such arrest? Suppose, when he did come, he should refuse to open his mouth and be committed. That, too, might come before the Court of Queen's Bench; so that, in fact, all their privileges might come to be decided by the courts of law. But if their privileges were to be so decided, would not the constitution have provided the means by which they could ask the courts' opinion before they used a privilege? It would be impossible to go on without their privileges coming constantly before the Queen's Bench. They would not know how to proceed. They would either be ultimately dependent on the House of Lords, or they would be without remedy altogether. It appeared to him that the question was most important. They ought to consider whether the privilege was not the right of the people of England. He cared not for any clamour about the sale of papers, neither did he care for the clamour about the possibility of abuse. It was a duty which the House owed to maintain its place in the constitution. They would not perform that duty if they released the sheriffs. Would it be said that the question was irrelevant, whether they ought to discharge the sheriffs? Was it not proper to call the attention of the House to this? Some hon. Members said that the sheriffs were only the official instruments. They were the main soul of the proceeding. What was the position of the sheriffs? A writ of execution was issued against Messrs. Hansard. Now he owned, with the knowledge of his character, he was not surprised at the warm and susceptible feeling of the hon. Member for Oxford (Sir R. Inglis) as to the sheriffs; but that his hon. and learned Friend should refer to the sheriff's oath, did strike him with wonder. A greater insult he had never heard. Of course no sheriffs were to be punished. Oh, no! they were rather to be objects of pity and commiseration—they were the mere machinery—of course all Members were to be arrested—of course all ambassadors were to be arrested, and of course their servants, of course every franchise was to be invaded when a writ was in the sheriff's hands. He hoped hon. Members would listen; for if they saw the effect of their own arguments, he was sure they would not maintain those arguments. If the sheriff's oath were so binding and extensive as was supposed by hon. Members—if it were the duty of the sheriffs to execute all the Queen's writs—if he supposed what was supposed by the House, what would be the result? Any attorney's clerk might go to the office, and issue a writ against anybody. A writ was not an accredited act of the court. The court took no notice of it until the writ was brought before it on motion. Any writ might issue against anybody, provided only the fees were paid, for that was the only necessary preliminary. If it were the true meaning of the oath, that the sheriffs were to execute all the Queen's writs, why should they not arrest a Member of the House?—why should they not arrest an ambassador?—why should they not arrest a peer?

There was no exception in the writ. The non-execution in the case of privileged persons, was the sheriff's own act. He said, then, that for those who knew the business of the courts, to talk of the oath being so binding that the sheriffs must execute the writs, was an insult. All the oath meant was, that the sheriffs should execute all such writs as they ought to execute. [*Oh, oh!*] What answer did hon. Gentlemen who cried "oh!" give to the statement that the oath was not followed if the arrest were against a privileged person? Mr. Hansard was a privileged person. That was the very point to be tried. The oath was that the sheriffs should execute such writs as they ought, according to the best of their skill and judgment. That the sheriffs pretended to know anything of this oath when the writ was put into their hands, seemed absurd. It was not till they had executed the writ, that they looked at the oath; and then they thought which was the strongest body, and they chose to think the Queen's Bench the most powerful. Hon. Gentlemen might shake their heads; but if they looked for the practice, they would find, from every one acquainted with legal practice, that there was not the tittle of a foundation for their supposition of the sheriffs' duty. Nothing was more common, than that the sheriffs should take an indemnity, and return no goods, although there might be plenty of goods. If the person giving an indemnity wished to try a right, the sheriffs would immediately return *nulla bona*, or even on an indemnity, they would return *non est inventus*, when the defendant had been within their power. It was the constant practice, and nobody ever heard of the sanctity of the sheriff's oath till they came into that House. They dealt with writs on their own responsibility, and they executed them or not with a regard only to their own safety. The sheriffs were bound by their oaths to execute the writs according to law. If their duty were to execute a writ against a privilege, they ought to do it; and yet if a writ were against privilege, they did not do it, even when they had no previous notice of privilege. In the present case, however, the sheriffs had express notice before they received the writ. Before they did anything under that writ, they were forewarned. Why did they act as they had done? Because, as he thought, they acted according to bad advice. He had expressed that opinion to the under-sheriffs before. He thought so still. They thought that the House of Commons had not the power of enforcing the privilege which it was said had been infringed. They thought, that they would be safer in their obedience to the Court of Queen's Bench, than in their obedience to that House. Now, however, they had to consider how this House would maintain its place in the constitution. By what means had the House hitherto maintained its position in the constitution? By constantly committing sheriffs and bailiffs. No one had ever heard of the oath interfering. In a few instances he knew Parliament had interfered with the higher authorities; but usually it took the ministerial officers. When the House was informed of the arrest of a privileged person, it ordered the sheriff to attend with the prisoner; and if the prisoner were really privileged, the House committed the sheriff and discharged the prisoner. If hon. Members would turn to the Lords' journals, they would find page after page of commitments of sheriffs. The House of Commons had no other means of maintaining its privileges; the courts had no other means of protecting themselves; and, whether it were a good or a bad method, their only protection was the same as the means possessed by the Commons—their only protection was, by dealing with the instruments. How had that mode answered? It had maintained their privileges down to the present day. He had heard it said, indeed, "What will all this end in? You have no power of preserving at all times your privilege—your method is insecure and imperfect." Pray, how did it happen, then, that they had overcome all obstructions—that they had done so in worse times than the present, and in worse than he ever expected to see again? They had preserved those privileges when the courts, and the Lords, and the Crown were all against them. How had they done so? By committing the sheriffs. The privilege was assailed by the immediate acts of those officers; therefore it was the House who dealt with them, and they had been at several different times committed. It was extraordinary that those who admitted that the privilege was essential, and who admitted that it existed, said also "Pray pity the poor sheriffs; they have only acted from a sense of duty; pray let them out." If the House were inclined to tell the sheriffs that they might disregard the privileges of the House, pray let them out. Hon. Gen-sending out strict orders to India, that there should be agents or protectors who should take care that bargains were not made by the labourers without a knowledge of their real nature, and that parties should not take them away without letting them know where they were going, it did seem to him perfectly fair, that labourers from India who earned very small wages, should be allowed to go to the Mauritius, where they might earn higher wages and improve their condition. Of course, it would be a very great object to the proprietors of estates in the Mauritius to obtain this supply of labour, but he would not be for allowing it, unless it appeared clearly, that it could be done without injury to the labourers, whose case formerly excited great interest, both in that and the other House of Parliament. He did not mean to propose any measure on this subject, but it was the intention of Government to relax the actually existing prohibition with respect to the emigration of labourers from India to the Mauritius. He had thought it necessary to make this statement to the House, believing, that when Parliament was sitting, it would not be right to take any course without communicating it to the House.

Mr. *Hume* thought, that the noble Lord should not have proposed a measure of so much importance, without giving the House an opportunity of discussing it.

Mr. *Goulburn* thought it was extremely difficult to deal with the statement made to the House by the noble Lord. If the noble Lord were to suppose, that the House had sanctioned his proposition, they would be placed in a very awkward situation. It would be more satisfactory, he thought, that the House, before expressing its opinion, should wait for the promulgation of the Order in Council, which it appeared to be the noble Lord's intention to issue. At the present moment he was not prepared to say, that the noble Lord was wrong in his arrangement, but he wished to be allowed to reserve his opinion to some future opportunity.

Lord *J. Russell* in explanation said, that it had not been his wish to call for any discussion on the subject at the present moment, but as it would be necessary to put in motion the prerogative of the Crown he thought that it would be desirable, that the House should be informed what was about to be done before the steps were actually taken.

Leave given to bring in the bill.

COPYRIGHT LAW.] Mr. Sergeant *Talfourd* said, in rising to move for leave to bring in a bill to amend the present law of Copyright, he did not think it necessary to detain the House with any observations in favour of a measure which had already been three times before that House, and three times sanctioned by its approval. Under these circumstances he thought it unlikely that any hon. Member would deem it necessary to oppose such a bill in that, its preliminary stage.

Mr. *Wakley* said, the hon. and learned Sergeant had observed, that he did not deem it necessary to address any observations to them in moving for leave to bring in a bill such as he had stated, which had already been before the House for three sessions successively. Now, whatever might have been the opinion of that House of the bill in question, it had excited in the public mind abroad sentiments of no small alarm. The hon. and learned Gentleman had brought forward that measure with great eloquence indeed, but he should be permitted to say, that great as was that eloquence it was no argument in favour of the bill he proposed, nor had the hon. and learned Gentleman convinced him of the justice or necessity in any manner of interfering with the present law of copyright. What was it the hon. and learned Sergeant wanted to establish by that law? What was it he expected to do? Did he think thereby to benefit the cause of literature, to serve the community at large, or confer any advantage upon the authors generally? There had been two Parliamentary committees appointed upon this subject. One in the year 1813, and the other in the year 1818. The consequence of the first had been the introduction of the bill of 1814, which had added fourteen years to the term of the right of copyright. It had been previously only fourteen years; the new law had made it twenty-eight. He should be glad to know whether the hon. and learned Sergeant had taken the trouble to read the evidence taken before those committees. It would appear from his gesture of assent that he had read that evidence—["*Hear, hear!*" from Sergeant Talfourd]. Well, then, supposing the learned Sergeant had read it, it was a reasonable supposition that he could have no objection to the appointment of another committee. In the evidence taken before the committee in 1818 it had been clearly pointed out to every person, that it was wholly unnecessary and supererogatory to legislate again on that subject or to extend the period of copyright. What had Dr. Clark, Mr. Rees, and Mr. Taylor said in their evidence upon that subject? The latter had observed, that he scarcely ever had heard of a very expensive work having been republished during his thirty years' experience in the trade. All had agreed, that the prolongation of the time would not be of that advantage to the authors whom the hon. and learned Gentleman was desirous of promoting. He considered, that a question of the present kind not only involved the consideration of the interference with the property of those who had a large sum of money sunk in the printing trade, but also, considering the great spread of education of late years, involved a question of the diffusion of knowledge in this kingdom. But he could easily believe, after the eloquence with which this matter had been advocated, and the manner in which the sympathies of hon. Members had been roused and enlisted on behalf of one or two destitute authors, that the House would be anxious to inquire in what respect a new Act of Parliament should be framed for the purpose of extending the period of copyright from what it now was. Now, notwithstanding the hon. and learned Gentleman proposed to extend the copyright to sixty years beyond the life of the author, he seemed to consider, that this was almost a compromise of the great question in which he was involved. Why, he supposed they should have the learned Sergeant requiring them, if they agreed to that, to extend it to a perpetual copyright. Now to support his present bill ought not the hon. and learned Sergeant to show the House that the cause of literature was in decay, or that works of value were not issuing from the press. That the learned Sergeant had not shown; neither had he shown, that the demand for printed works was less than before. If the learned Sergeant were to ask any publisher or author they would tell him, that their chief anxiety was not for the time they devoted to their work, but the appetite for literature which the public mind had acquired. Now, if an author wished to write for the people 100 years hence, they could not compel him to change his fancy, nor could they control his designs. He contended, that the hon. and learned Sergeant had failed to show, that the effect of the present law had been to prevent the production or issue from the press of standard or excellent works. What had been the practice when copyright had been really of less value than it was now. What had Roger Bacon, what had Shakspeare got for their works? They had other incentives to write besides the mere remuneration they received. The greatest works ever produced in this country had been produced when copyright had been of considerably less value than it was now. What had Milton received for his "Paradise Lost?" Milton might not have been so great a poet as others of modern date; but, without wishing to depreciate the talents or the labours of others, he did say, that if they then passed a law to diminish the present diffusion of publications, they would inflict on the cause of literature the greatest evil it could receive. The hon. and learned Gentleman having thus failed to make out a case on one side, and he (Mr. Wakley) believing, that there were some who thought with him, that an investigation ought to take place into the matter previously to legislating upon it, he trusted that the House would agree with him, that it ought to appoint another committee to inquire, before they proceeded to interfere with the business of men who had embarked many thousand pounds in the printing trade. He would say nothing on that occasion of the disappointment of certain authorities, because certain men never would believe the public thought enough of their merits. It was the statement of the publishers, that the expense of printing, of late years, had much increased, but the great and serious evil was the increasing rapacity of authors. He hoped the noble Lord at the head of the Government in that House would state his opinions upon the subject. Two Sessions ago the noble Lord had said, that a case in favour of the bill had not been made out, and this declaration gave great satisfaction to the people out of doors. He should on all these accounts move as an amendment to the motion of the hon. and learned Gentleman, "that a select committee be appointed to inquire into the operation of the existing laws of copyright, and to report thereon to the House."

Mr. *Hume* seconded the amendment. He said it was twenty-one years since any inquiry had taken place on the subject. Any man who read the report would be convinced that the opinion of the committee was against any alteration of the law; and he therefore submitted, after the contests they had had, if the learned Sergeant were so satisfied, he could make out an overwhelming case (which he had not done) in favour of his bill, he could have no objection to the appointment of a Committee. He was bound to state that the communications he had had, and the opinions he had seen since last year, proved at least that there was a great diversity of opinion. His own opinion was well known. All, therefore, he should say was, that in the midst of so much difficulty, with such difference of opinion, and on a question which was of so very much importance, the matter should be examined in committee. It would not take long, and if the learned Sergeant would not submit to an inquiry, he must submit to opposition, as he had stated on a former occasion. His objection to the bill was, that it would make books dear. He would, therefore, submit to the hon. Gentleman, that it would be better for him to yield on this matter with a good grace. He cared not who formed the committee, and he would rest the whole proceedings with it, because, in his opinion, it was impossible to make out a case for the bill. He should, therefore, second the amendment.

Mr. Sergeant *Talfourd* trusted, that he should receive the sanction of the House in declining to be drawn into a discussion on the general principles of the law of copyright. He considered that the proposition made by the hon. Member for Finsbury was made only for the purpose of obstructing the progress of the measure, and he should certainly accept of no advice from him, or the parties with whom he acted, after the course which had been taken by them in the last Session of Parliament. There never was a case so weak, so nugatory, so trifling, made out for the House refusing to allow the introduction of a bill which had been laid three times on the Table of the House, as that which the hon. Member for Finsbury had presented. As to the committee of 1818, he himself had stated two long years ago, that he would be bound by the statements made before that committee, and that he would be contented to legislate on the testimony given by the publishers themselves, who were then most hostile to a copyright bill. Now, the present measure had been three times discussed, and not one question of fact was in dispute. He would concede, that there was a difference between them in point of principle. The question was whether an author having committed to paper the thoughts he had conceived and cherished in solitude, should have any property in them, or whether they should become that of the public, whether an author communicating his inspirations to the world should only demand of the public the produce of their immediate sale, or look at large unto posterity for the reward of works which might not receive immediate attention from the public. Those were the principles on which they had to legislate; and were not these matters on which every scholar and thinker had equal power on forming his judgment? Every fact which the hon. Member for Finsbury contended for should be admitted. He would admit, that Mr. Tegg, the publisher, for whom the hon. Member appeared, had made a fortune of 200,000*l.* by publishing, and that Sir Walter Scott did not make much by creating his immortal productions. The hon. Member for Finsbury should have that admission; and he would also concede that the works of popular and living authors might be had extremely cheap. The hon. Member should also have admitted, if he pleased, what he had alluded to on a former occasion, in a humourous manner, that the best works were produced anterior to the existence of copyright. He rested his statement of its necessity now chiefly on the claims of the authors and booksellers who had petitioned the House in its favour, while few had petitioned against it. These were all the facts on which the House could be called on to legislate. He had heard no one of them disputed. When the question was introduced two years ago, a committee had been moved for and negatived, and it was unusual to bring forward such a motion again as an obstruction to the bill being laid upon the Table of the House. But when the question was put, whether it should be referred to a Committee of the whole House, or to a Select Committee, the Attorney-General and the hon. Member for Ripon, who then opposed it, but he trusted would no longer do so, both stated their conviction that there was no case for a Select Committee, and that to propose it was only to obstruct the bill. If there really was a case made out for a committee, not upon the present bill, but upon the copyright laws generally, why, then he trusted the House would so far protect this measure as to allow it to be laid on the Table, as it was not a question of detail, but a great question both of expediency and justice. He should at least feel it his duty to resist the amendment, and he was prepared to meet the consequences of that resistance at any rate: if he had to contend with any unjust opposition he should be able to meet it before the House far better than with a Select Committee.

Mr. *Warburton* disputed the proposition of the learned Sergeant (Talfourd), that an invasion of copyright in perpetuity was an invasion of private property. Literary property was private property only so long as the manuscript remained in the private possession of the author, but when it was published it became, to a certain extent public property. It was no injustice therefore to deprive the author of perpetual copyright in his works. The state gave to authors a certain protection for their works, and they were bound, on the other hand, as an equivalent for this protection, to see that the public had the advantage of having the work published at a reasonable rate. But the hon. and learned Sergeant denied altogether the argument drawn from public expediency. After such a denial, ought he to be allowed to bring in a bill upon such a principle? The proposed sixty years after the death of an author would, counting from the time of the publication, run on an average to a hundred. Could such an extension be justified? The bill of Anne, which allowed only fourteen years, required that the Archbishop of Canterbury and his assistants should limit the price at which works were published, so that the public might not be shut out from all advantage. That time at present was for twenty-five years, which of course would be much longer if the authors were long-lived. Then, again, if an author amended his works before his death, as every man careful of his fame would be likely to do, there would be an additional extension of twenty-five years to the most correct edition. On these grounds he should feel bound to oppose at every stage a bill such as this, founded, as it avowedly was, on the principle of perpetual copyright, and he would oppose it on the paramount plea of public utility.

Sir *R. Inglis* said, that he would not deny the right of the hon. Gentleman to oppose the introduction of any Bill; but he did think that the hon. Gentlemen opposite were not dealing fairly or justly in the present instance. It was in the recollection of the House, that they had already given leave to four hon. Members that night to bring in Bills on different subjects, and on referring to their motions, as they stood upon the paper, he could not bring himself to think that the claim in any one of those cases, was equal to that involved in the motion of his hon. and learned Friend. That House had, on three former occasions, sanctioned the principle of this Bill, which could not be said of any of the four cases to which he had alluded, and therefore, without entering into any discussion of the merits of the question on the present occasion, he did trust, that the hon. Member for Finsbury, and his hon. Friend the Member for Bridport, would, if only from a feeling of courtesy to his hon. and learned Friend, not refuse their acquiescence in the motion for the introduction of this Bill.

Mr. *O'Connell* had voted before with the learned Sergeant, and saw no reason why he should not do so again; but a considerable impression had been made upon him by the observations which he had heard, and under all the circumstances, he thought it would be better for the hon. and learned Gentleman to accede to the proposition for a committee, where the objections could be more fully considered.

Viscount *Howick* hoped the hon. and learned Gentleman would acquiesce in the motion for a committee, as otherwise he should feel himself called upon to vote with the hon. Member for Finsbury, but not with a view to obstruct the bill. During the last two or three years, serious objections had been taken to the present position of copyright, and there was no doubt that the existing law called for alteration. The present system afforded the greatest protection to light and ephemeral compositions, whilst works of labour, research, and diligence, which could only win their way gradually into public favour and circulation, were not sufficiently protected. By canvassing the matter in committee, means might be devised of affording protection to the author on the one hand, and to the publisher on the other.

Lord *Mahon* would advise the hon. and learned Gentleman to take the opposite course to that recommended by the noble Lord, and not agree to refer the bill to a committee. It was evident that the objection of the hon. Member for Finsbury was to the principle, not the details of the bill, and no committee could meet either his objections or those of the hon. Member for Bridport.

Mr. *Labouchere* felt some difficulty as to the mode in which he should act. He approved of the suggestion thrown out by the noble Lord (Howick), and he must say that if the measure of the hon. and learned Gentleman was not greatly altered it might be productive of mischief. Still there would be something ungracious in the House refusing to grant leave for the introduction of the bill.

Mr. *Hobhouse* should support the proposition for referring the whole question of copyright to the consideration of a select committee up stairs, as the only means by which it could be justly settled.

Mr. Sergeant *Talfourd* said that, with all respect for those who had spoken against this measure, yet not having heard any suggestion but what showed that the arguments adduced against it were arguments upon its principle, and of unmitigated hostility, which would not be likely to be removed by any inquiry that might take place, and supported as he had been by those hon. Members who had assisted him in bringing forward this measure, he felt bound to divide the House on the subject, and he should most respectfully abide by its decision.

The House divided on the original question—Ayes 75; Noes 53: Majority 22.

List of the AYES.

Acland, T. D.
Aglionby, Major
Attwood, W.
Attwood, M.
Bailey, J. jun.
Baring, F. T.
Barneby, J.
Beamish, F. B.
Boldero, H. G.
Bramston, T. W.
Broadwood, H.
Bruges, W. H.
Codrington, C. W.
Cresswell, C.
Curry, Sergeant
Darby, G.
Filmer, Sir E.
Fleetwood, Sir P. H.
Gaskell, J. Milnes
Gladstone, W. E.
Gordon, R.
Goulburn, H.
Graham, Sir J.
Greene, T.
Hamilton, C. J. B.
Hawkes, T.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hodgson, R.
Howard, F. J.
Hughes, W. B.
Jermyn, Earl
Labouchere, H.
Law, hon. C. E.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Macleod, R.
Mahon, Lord
Miles, W.
Miles, P. W. S.
Morpeth, Lord Visc.
Morris, D.
Neeld, J.
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, R. M.
Oswald, J.
Packe, C. W.
Pakington, J. S.
Parker, J.
Perceval, Colonel
Pigot, D. R.
Pigot, R.
Polhill, F.
Praed, W. T.
Pringle, A.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Shaw, right hon. F.
Sibthorp, Colonel
Somerville, Sir W. M.
Steuart, R.
Stewart, J.
Strickland, Sir G.
Thompson, Mr. Ald.
Verner, Colonel
Waddington, H. S.
Whitmore, T. C.
Winnington, Sir T. E.
Winnington, H. J.

TELLERS.

Talfourd, Sergeant
Inglis, Sir H.

List of the NOES.

Aglionby, H. A.
Blake, M. J.
Blake, W. J.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Currie, R.
Duke, Sir J.
Dundas, C. W. D.
Ellis, W.
Ewart, W.
Gillon, W. D.
Greig, D.
Harcourt, G. G.
Hawes, B.
Hobhouse, T. B.
Howard, Sir R.
Howick, Lord Visc.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Langdale, hon. C.
Loch, J.
Lushington, C.
Marshall, W.
Muntz, G. F.
Muskett, G. A.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
Phillips, M.
Power, J.
Pryme, G.
Richards, R.
Salwey, Colonel
Stanley, hon. E. J.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Wakley, T.
Westenra, hon. H. R.
White, A.
Williams, W.
Wood, G. W.
Wood, B.
Worsley, Lord
Yates, J. A.

TELLERS.

Hume, J.
Warburton, H.

Leave given to bring in the bill.

SPIRIT LICENCES (SCOTLAND).] Mr. *Gillon* moved for leave to bring in a bill to enable persons holding licences, to sell beer, spirits, and other exciseable liquors, to obtain a renewal of their licences from the excise in Scotland.

Mr. *Pringle* said, he felt bound to take the very earliest opportunity of opposing the motion. A measure of precisely the same nature had been several times brought before Parliament by the hon. Member for Falkirk, and as often rejected. Last session, a bill which he brought in at the commencement, he suffered to remain on the book till the month of August, and, without giving Members, who came down night after night for the purpose, he then withdrew it without even discussing it on a second reading. The bill would take away from the local magistrates in Scotland that salutary influence and check which they at present held over the morality of the country, and he therefore should take the sense of the House against the introduction of the bill.

Mr. *Gillon* said, that last year he had been prevented by indisposition from proceeding with the bill until so late a period as to render it impossible to pass it through this House and the other House of Parliament. The hon. Member opposite had entirely misrepresented the objects of the bill. It retained all those salutary provisions to which he had referred, and only went to relieve the wholesale and retail dealers in spirits from the hardship of being obliged every year to get a certificate of character from the magistrates before they could obtain a renewal of their licence from the Excise. To this they were exposed, even though they had conducted themselves in a manner consistent with the laws, and though no charge had been made against them. They were now subject to the caprice of magistrates, who, in frequent cases, used their powers for political purposes. The bill was to relieve the wholesale and retail dealers from such grievances.

Mr. *Lockhart* thought the power of the magistrates to refuse licences a very useful check. If the hon. Member could show any instances of a licence having been improperly refused, it ought to be inquired into. As far as his experience as a magistrate went, he had never known any application rejected, unless the case happened to be one of a very aggravated nature.

The *Chancellor of the Exchequer* would not oppose the introduction of the bill, but he would not pledge himself to take away the power of granting licences from the magistrates.

Leave given.

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HOUSE OF COMMONS,

Wednesday, February 5, 1840.

Minutes.] Bills. Read a first time:—Ecclesiastical Duties and Revenues.—Read a second time;—Designs Copyright; Juvenile Offenders; Law of Evidence (Scotland).—Read a third time:—Prince Albert's Annuity.

Petitions presented. By Messrs. Hutt, Baines, and Lord John Russell, from several places, for Relief to John Thorogood, and the Abolition of Church Rates.—By Mr. Hume, from Down, for Equal Rights to Ireland.—By Mr. M. Philips, from persons in Manchester, in favour of the Copyright of Designs Bill.—By Lord G. Somerset, from several places, for Church Extension.—By Mr. Hutt, from Hull, for an Inquiry into the tenets of Socialism.—By Mr. Baines, from one place, against the Jurisdiction of Ecclesiastical Courts.—By Colonel Butler, from several places, for an Extension of the Franchise, and Corporate Reform in Ireland.—By Sergeant Jackson, from Clonmel, against Municipal Reform.—By Mr. F. Maule, from several places in Scotland, against the Intrusion of Ministers into Parishes.—By Mr. Hume, from several places in Norfolk, against Local Taxation.

Short-hand Writers.] Mr. *Maclean* presented a petition from two short-hand writers, named Edward Morton and Francis N. Walsh, complaining of the monopoly of the Parliamentary and other business enjoyed by Mr. Gurney, from the double appointment of short-hand writer to the Houses of Lords and Commons, which he had held ever since the year 1803; and pointing out the injury arising from it to the profession, and to the public business, by excluding competition, and thus keeping down efficiency, and keeping up a high scale of charges. The petition stated, that in 1803 the business of Parliament was very small; that it had now increased to such an extent that two-thirds of it were done by short-hand writers, not in Mr. Gurney's own establishment, those persons receiving only such share of the business, and such proportion of the fees, as he thought proper to give them; that the number of persons skilled in the art of writing short-hand had also very much increased of late years, and that many of the gentlemen employed as Mr. Gurney's deputies were as competent in all respects as the members of his own establishment; but that he had, ever since his appointment, exercised the exclusive right of attending by himself or deputy all select and other committees, all examinations at the bar of the House, &c., so that for a period of thirty-seven years no other short-hand writer had been allowed to attend any committee, except as his deputy; the parties to private bills not being allowed to employ their own short-hand writer, even to take the speeches of counsel. It also stated, that Mr. Gurney was short-hand writer to the House of Lords, where he exercised the same exclusive privileges; and to the Privy Council, where he claimed the right to take minutes of the evidence in patent cases at the expense of the parties, to all the Government offices, viz., the Treasury, India Board, War-office, Admiralty, Customs, Excise, Stamps, Woods and Forests, &c.; to the India House, the Corporation of London, the Bank of England, &c.; and that he was, or claimed to be, short-hand writer to all ecclesiastical, Government, and special commissions, and to most of the incorporated guilds of the city, dock, assurance, and other companies, besides having a very large and lucrative private connection, a great part of which he derived from his official character. The petitioners went on to state that the effect of this monopoly was to lower the character of the profession; and that under the present system the public business could not be well done. Mr. Gurney had always acted upon the right to keep his own establishment fully occupied at all times, the consequences of which were, that the gentlemen employed as his deputies were not called upon till the last moment, when it was found that their services could not be dispensed with, and that they were constantly, and as a matter of course, displaced from committees, on which they had performed their duties satisfactorily, to make way for one of Mr. Gurney's own establishment. The petition further stated, that previous to the session of 1837, Mr. Gurney had allowed to his deputies about three-fifths of the fees received by him; that since that time they had received three-fourths, Mr. Gurney retaining one-fourth of the fees paid for business done by others as a remuneration for his superintendence of the department. It appeared from the miscellaneous estimates that, upon the average of the last four years, the sums paid to Mr. Gurney by the Treasury, in respect to the public business of Parliament, had exceeded 7,000*l.* per annum; and from the great increase in the number of election and private bill committees, there must have been an equal amount received from private parties; making the gross receipts, in respect of the Parliamentary business alone, 14,000*l.* per annum. So that, supposing two-thirds to have been done by deputy, Mr. Gurney, during the last four years, would have received a clear profit from the labours of others of 2,333*l.* 6*s.* 8*d.* per annum, the remaining one-third being done by that gentleman's own establishment at, of course, a considerable less expense—probably not more than one-third of the sum charged in respect of it; and in that case the whole would have yielded him a clear annual profit of 5,444*l.* 8*s.* 10*d*; this sum being altogether exclusive of the profit upon business arising from peerage, divorce, and appeal cases in the House of Lords, the Privy Council, the Government offices, or any of the other sources before alluded to. The petitioners concluded by stating, that they were prepared to point out a mode by which the public business might be much better done, and at a cheaper rate, and that they confidently believed that the result would be, not only to raise the character of the profession, which was acknowledged to be one of public utility, but to facilitate and give an increased value to the labours of committees, and at the same time that it would effect a considerable saving in point of expense. They therefore prayed that the House would appoint a Select Committee to inquire into the subject.

Petition to lie upon the table.

COPYRIGHT OF DESIGNS.] Mr. *Emerson Tennent* moved the second reading of the Copyright Designs Bill, which extended the copyright to designs upon woven fabrics from three months to twelve. It was not the object of the bill to introduce any new principle into the law, but simply to give efficiency to a principle which the existing law already recognized and professed to provide for, but which in the lapse of time had become utterly nugatory. The act which first proposed to secure to the inventors of original designs the profits of their own labours was passed in 1787, and limited the protection to two months. This Act was renewed from time to time, but at length, in 1794, it was made perpetual, and the term of protection extended to three months, at which point it had remained unaltered up to the present. But during the forty or fifty years that had intervened many circumstances had concurred to render that which was then an effectual protection, merely a nominal and a deceptive one; amongst which, as the most prominent, may be noticed the application of steam navigation, thereby placing the foreign market almost upon a par with the home as regards priority in design; and the improvements in engraving and printing, which had nearly quadrupled the facilities for the rapid re-production of any pattern, he was, in fact, within the mark, when he stated, that from 150 to 200 pieces of goods could now be produced in one day, by the improved process, when not more than 15 to 20 could have been printed by the old machinery of some thirty years ago. And such was the rapidity with which designs could now be copied and re-produced, that in one very recent instance, the patterns of one eminent house in the city, of their style of dresses for the season, having been surreptitiously obtained by another establishment a few days before publication, rival articles were within eight days announced for sale in imitation of them, and at a much lower cost than those of the original inventor. Nor does the evil complained of, as arising from the present brief term, consist merely in this, that it is too short a period within which a designer could be repaid by ordinary sales for his outlay and investment; but the injury lies here, that parties willing to purchase were still deterred from giving extensive orders for original designs during the three months of protection, conscious that in a very few weeks, on the expiration of the term, and before the demand had ceased, they could be plentifully supplied with the cheaper imitations. Besides the very custom of the trade had a tendency to give those who existed by copying the designs of others, a facility for that purpose, which in effect reduced the term of protection even below the scanty limit of three months, inasmuch as it was necessary one month at least before a season opened (say in the month of January previous to the stormy season, which commences in February), to deliver to the warehouseman a book of the patterns prepared and ready for delivery, in order that his riders might exhibit them to his customers, and thus enable him to compute the extent of his orders. Now, not only was it a question whether the delivery of the patterns was not a "publication" in the eye of the law, thus fixing the date from which the three months' protection was to be computed, and, therefore, diminishing the term within which the goods were protected in the market from three months to two; but it gave to the intending copyist a full month to prepare his imitations for subsequent sale. So that, in no one respect would the present term, short and ill-defined as it is, be regarded as adequate protection and security which the law holds out and professes to provide. But it so happened that, at the present moment, the protection sought, at least by one most important branch of the trade—the calico printers—was less required for the home market than for the foreign trade; and it is one peculiar feature of the case, which strongly recommends copyrights of this description to a more summary protection than those of literature or the higher branches of art, which were of a permanent and fixed value—comparatively—that the taste which constituted the value of these designs for printed goods was perpetually fluctuating, and that their owners had no better security for their property than the proverbially fickle one of the fashion of the day. Now, it so happened, that just now, by one of those capricious fluctuations, woollens and silks were almost exclusively in demand for the home market, so that calicoes and printed cottons were manufactured almost entirely for the American and West Indian trade; and the House would readily perceive how utterly inadequate the term of three months was, to give protection to a branch of manufacture carried on at so vast a distance. In the first place, the tastes of the two countries were so distinct, that goods for the colonies must always be prepared from designs totally distinct from those intended for home consumption, a process of great labour, expense and delay; three or four designs being, perhaps, selected from 100 or more which were laid aside, and after being reduced to scale, would require from two to three months to engrave and complete, before one single piece could be ready for delivery. When ready the goods were shipped for the West Indies, a book of patterns being first handed to the shipping merchant by the manufacturer. And now let the House look at the practical effect of a short term of copyright; before a single course of post from Jamaica could bring a repetition of the order, the copyright had expired; the patterns in the meantime had been copied from the pattern books deposited with the English exporter, and he had goods in imitation of them ready for exportation, of inferior quality no doubt, but likewise at an inferior price from the diminished cost of production; or, perhaps these very imitations were already shipped, in the confidence that they would arrive in the West Indies just about the time that copyrights of the original had been exhausted. The original proprietor of course never received a second order; and for two reasons, first, because he could not afford to sell at so low a price as the imitator, who was at no expense for designs, which he obtained by means of a sheet of tracing paper, and who had infinitely less expense for engraving his patterns, being already reduced to scale, and ready for transferring to the copper-roller; and, secondly, because the cheap imitation destroyed the positive value of the more elegant original, and put an immediate check upon the sale; and, again, from the same consideration which operated on the home trade, the foreign purchaser would not, in the first instance, give any extensive order, from his knowledge of the prevalence of piracy, and of the certainty of his speedily obtaining the copies at much reduced prices. In the American trade a similar difficulty existed, and an equal injustice was sustained, with this aggravation, that the tastes of that country and this being nearly similar, and their seasons of trade simultaneous, the patterns must be earlier dispatched across the Atlantic, and of course the risk of their being intercepted and copied in England must be increased. Besides, had the original designer a sufficient protection from the home market, so as to insure him an adequate compensation there, the fact of his being enabled to produce goods for two markets from one set of designs, would enable him so to reduce his American price, as to augment and retain his export trade, whilst owing to the present unprotected condition of the trade, even the home market, as he had already shown, was curtailed in its fair extent of orders, by an apprehension of piracy, both in England and from copies transmitted across the Atlantic. He had thus endeavoured to show that neither for the home trade, nor the colonial and the American market, did the existing law hold out a fair and sufficient protection, and that it was indispensable that it should be immediately amended by an extension. The principle of protection had already been recognised by the law for nearly half a century; but, owing to the change of circumstances within that period, it had now become merely deceptive and delusive, and his object in this bill was to render it real and efficient. If, instead of being mere copyists in the arts of design, this country was to maintain the lead which she had hitherto taken in manufactures, this amendment of the law was indispensable. No prudent man, in the present state of the law, would go to the expense of employing original artists at high salaries, conscious that his designs were to be almost immediately invaded and appropriated by a host of copyists; and parents would not send their children to learn the business of original designers, if they were informed that pirates and imitators, who lived upon the inventions of others, were to be permitted to shut them out from a chance of employment. Under such circumstances our school of design must perish; and we must be contented in this branch of trade to be mere copyists of the French, and other nations, who give an adequate protection to enterprise and original talent. So important was this subject, that it was brought under the consideration of the House last year, in two bills, by the late President of the Board of Trade (Mr. Poulett Thomson). By one, he extended the present protection of three months to silks and woollens, which were totally unprotected before (another instance of the necessity of suiting these laws to the circumstances of the times, for neither silks nor woollens were printed in England when the original law was passed, whilst the printing of linens, which was then common and protected by the act, was now absolutely obsolete and unknown;) and, by the other bill, Mr. Thomson gave to all other fabrics except these, the very term of protection which he now wished to confer upon the entire, namely, twelve months. In fact, Mr. Thomson's bill went so far as to give some articles a protection of three years, which would be as much too long a period, however, for woven fabrics, as three months had been found to be too little. But he could not see why room papers, oil cloths, and other inferior articles, were to have a twelve-month's protection, and the most valuable of our manufactures, silks, challis, and cachmeres were to have a lesser term. In every communication he had had with the printers of Lancashire, of Scotland, and of Ireland, they all concurred that twelve months would be the very lowest term which would afford them an adequate security, and render the protection promised and held out by the law a reality instead of a delusion. With this view he had so framed the bill, and he hoped the House, admitting its justice, would give its sanction to its enactment.

Mr. *Mackinnon* rose for the purpose of supporting the motion of his hon. Friend. He would strongly recommend to her Majesty's Government the advantages of introducing a general and comprehensive measure on the present subject; and he would recommend them also to bring in a bill for the purpose of having designs and patterns registered at a small expense, and for having them afterwards exposed in a national gallery erected for the purpose. This would be a great advantage both to the public and to modellers of designs, who would have an opportunity of seeing those works in the gallery. He believed, too, that the small sums paid for registering these works would meet the expenses of erecting the building. He should support the bill on the principle, that "half a loaf was better than no bread"—although it did not go to the extent which he desired.

Mr. *William Williams* said, that this bill would affect most materially a very important branch of our manufactures, and he said that any interference with trade on the part of the Legislature would be injurious, and without strong reason being shown, and until a full case had been made out, there ought to be no measure passed. The speeches which he had heard in favour of this bill convinced him how dangerous it was for persons, unconnected with trade, to introduce measures of that kind. The law at present in force had existed for several years; during that period the printing business had flourished; and no one acquainted with its wants and interests would recommend such an alteration of that law as was now proposed. The very enactments introduced by the hon. Member for Belfast were expressly excluded from a bill which had been introduced into the House in two successive sessions, by the representative of Manchester, Mr. P. Thomson, then President of the Board of Trade. That Gentleman was in a situation in which he could have ascertained whether such enactments were desired by persons connected with the trade, or would be advantageous to them; and if they were so, he surely would not have taken care to exclude them from the bill which he supported. It had been said that new patterns would be copied in eight days. If the hon. Gentleman had known anything about the law, or the practice of the trade, he would have known that this was impossible, without incurring the severest penalties. As the law now stood, the inventor of a pattern had a clear three months exclusive sale, and if that sale were infringed upon by any person, that party could instantly be stopped by an injunction out of Chancery. As to the West India trade, the extent of it was insignificant, and was the law upon a great and general subject to be altered merely for the convenience of some particular interest? Some years ago a bill of this kind had been introduced into the other House of Parliament, which, at the request of numerous petitions, had been referred to a Select Committee, and on the recommendation of that Committee had been given up. It was surprising that Gentlemen, who called themselves the friends of free trade, should come forward and ask for further restrictions, as though they wanted all other trades to be free but their own. Thinking that the House ought not to interfere upon the subject without stronger ground than had as yet been made out, he now moved that this bill be read a second time this day six months.

Mr. *Labouchere* said, that undoubtedly the question was one of great importance to the manufacturing interests. In the first place, he begged to call the attention of the House to the existing law, and he must complain that the hon. Member in his statement had omitted mentioning it. The old law of the land was, that there was protection for three months to calico-printers and linen-printers alone, which could only be enforced by obtaining an injunction from the Court of Chancery. Last year Mr. P. Thomson brought in two bills extending the provisions of the old law to other fabrics. He proposed by one of those bills to give a protection of three years to those articles that were made out of metallic substances, but rendered it compulsory on the parties who wished to avail themselves of that extended period of protection to submit to a system of registration. Some of the manufacturers said it was not worth their while to incur the expense of registration, and therefore did not consent to the extended term under that condition. He (Mr. Labouchere) wished to point out to the House what evils they were likely to fall into if they protracted the period of protection, and at the same time did not compel them to adopt a system of registration. He certainly apprehended that it would be almost impossible to apply a system of that kind without a registration. It would, in fact, be establishing a restriction to one of the branches of our manufactures. Unless a system of registration were adopted, he believed it would be impossible for the Chancellor to decide upon the questions which would come before him. One great question, which it was always exceedingly difficult to decide in such cases, was the question of priority of invention. The same idea frequently struck different individuals nearly at the same time, and it was in such cases exceedingly difficult to determine who was entitled to the priority, but with a system of registration this was perfectly easy. He had been told by the registrar that persons frequently came to look at the register, and seeing the patterns registered, the idea of which had previously struck them, had gone away saying that they perceived they were on that occasion unfortunately too late. But if all these questions were to be left to the determination of the Judges, they would be involved in law suits and difficulties without end. He thought it right to make this statement, because he thought the statement of the hon. Gentleman to the House was calculated to make it adopt measures which ought not to be adopted. In fact he considered the question now before the House to be merely a question of time; the House had agreed to the principle that it was necessary to afford protection to designs, and whether that protection should be for a period of three, six, or twelve months, was merely a question of time. He thought the present proposition would interfere too much with the trade, although he was bound to confess that the result of the communications he had received had been to produce an impression on his mind that the period of three months was somewhat too short, but he could not help saying he thought the House would act unadvisedly if it were to extend the period to twelve months. He would, therefore, support the second reading of the bill, reserving to himself the right of moving in the committee that the protection should be extended to a period of six months instead of twelve. He thought the House would act unprecedently in giving a large period of protection, as it would in fact be granting a monopoly of any favourite pattern for too long a period, and raising the price to the consumer, thereby tending to injure the sale, both in the home and in the foreign markets. He should allow the bill to be read a second time, on the understanding that in Committee he should move the substitution of a period of six for one of twelve months.

Mr. *Warburton* thought if the House were put in possession of the different views that were entertained on the petition before the bill went into Committee, it would greatly facilitate their coming to a correct conclusion. He was happy to hear the observations that had been made as to the ill effects resulting to the public from the monopoly, and the interests of the various parties concerned ought to be attended to. He wished to know in what respect these finished patterns came from the inventor in a different way than printed works did. The right hon. Baronet opposite, in some observations he made when adverting to petitions placed in his hands, appeared to take some interest in the matter, and he hoped when the subject of granting a term of copyright for literary property came under discussion, they should be honoured with his presence, which he did not remember had been given on former occasions. He thought if the right hon. Baronet gave his attendance on a matter of minor consequence, such as calico printing, he would also give it to the greater matter of literary property, and if so, the House would be more likely to come to a just conclusion on the subject than otherwise.

Sir *R. Peel* observed, that he had great doubts upon the subject to which the bill of the hon. Member referred. It might be very inconvenient to extend the protection already granted much farther, while at the same time the present period might be too limited; and then came the question whether, at the same time that the protection was extended, registration should also be required. He was afraid that there would be much difficulty in requiring registration of patterns so evanescent as these matters; and yet if registration were not required, he did not exactly see why the parties asking for protection for their inventions should be put on the same footing as other trades who could register. He was sorry that the House should be asked to legislate on subjects like the present without possessing sufficient practical information on the subject. He could not, for his own part, form a satisfactory opinion on the subject without inquiry. He should, however, certainly support the second reading of the bill, but at the same time he would not pledge himself to agree to all the details in the Committee.

Mr. *O'Connell* said, that practical experience showed that the present term was too short, but he was not prepared to say that an extension of the period to twelve months might not be too long. That was a subject, however, for the consideration of a committee.

Mr. *M. Phillips* did not wish to take the extreme course recommended by the hon. Member for Coventry, but he thought that there were strong reasons why the House should weigh well any proposition which went to alter the law on a subject of this importance. If the period of protection were extended from three months to six months, it was possible, considering the facility of communication between this country and the continent, that the inventions thus protected might be copied by the Swiss and French printers, who would supply our markets, and thus, while we endeavoured to protect a few individuals, they themselves would suffer, and the national interests would be neglected. Instead of protecting a few, the measure might ruin a great many. It appeared to him that the question had not been generally taken up by the trade, and he did not think that there was any strong feeling among the calico printers on the subject, but at the same time he should not feel himself justified in hastily taking any steps to shut out enquiry, whether the protection now given might not be extended from three to six months. He therefore should not oppose the second reading of the bill.

Mr. *E. Tennent* would take the second reading of the bill now, on the understanding that it should at present proceed no further, but be referred to a select committee up stairs.

Amendment withdrawn. Bill read a second time, and ordered to be referred to a select committee.

ADMINISTRATION OF JUSTICE (IRELAND).] Mr. *E. Tennent* moved the order of the day for the second reading of the Administration of Justice (Ireland) Bill, in order to postpone it.

Mr. Sergeant *Jackson* said, it was desirable to know, as the bill was of great importance, what were the views with which the hon. and learned Solicitor-general for Ireland regarded it.

Mr. *D. R. Pigot* said, that to the principle of the measure he should give his cordial adherence. So much did he approve of the measure, that he had himself prepared a bill to carry into effect the principal objects contemplated by the hon. Member. But the Bill which the hon. Member had brought in contained some provisions which it was not his intention to have embodied in his own; and he certainly could not give his concurrence to the second reading before he had an opportunity of communicating with some other Friends, who were more able than himself to judge of their effect. If the second reading were postponed for a month, he should then be able to state his intentions.

The motion for second reading postponed.

EJECTMENT AND REPLEVIN (IRELAND.)] Mr. *E. Tennent* moved the second reading of the Ejectment and Replevin (Ireland) Bill.

Mr. *D. R. Pigot* had certainly expected, that the hon. Gentleman would have postponed the second reading of this bill also, for the purpose of giving those hon. Members who were acquainted with the practical working of the law, both in England and Ireland, an opportunity of judging whether it were a measure that was likely to be beneficial to the United Kingdom. His opinion was, that the bill in its present shape would be an injury to Ireland, rather than a benefit, inasmuch as it would interfere with and very much disturb the existing tenures and contracts in Ireland. It would be unwise and unjust to alter the settled law of property in that country, and to make it different from the law affecting similar property in England. By unsettling old analogies and introducing new ones, they would lay the foundation for a greater variance between the laws of the two countries, whereas they ought to do everything to assimilate them. If the hon. and learned Gentleman thought this a good bill, why did he not put in a clause to extend it to England? At all events, there ought to be some previous inquiry instituted before such an alteration was made in the law as this measure would effect. If, therefore, the hon. and learned Gentleman should press the second reading, he should move, that the bill be read a second time that day six months.

Mr. *O'Connell* said, he would second the amendment. He wished the House to understand distinctly, that the bill in its present shape would give an advantage to the landlords of Ireland which they had not at present, while it would take away from the tenants those advantages which they possessed. It would alter the legal tenures of existing contracts, which had been in existence for centuries. The estate of the Powys family in the county of Kerry had been held under leases of life, renewable for ever, by the Crown, for 200 years, at a fee-farm rent of 1,800*l.* a-year. The value of that property was so great, that some of the members of the families, six in number, holding those leases, had arrived at the Peerage, and others were persons of great wealth. Yet if one of those tenants omitted to pay the rent for a single year, the whole of these families might be evicted under this bill. He did not know, that any landlords in Ireland were calling for this measure, and he was sure that no Irish tenants were.

Mr. Sergeant *Jackson* said, the law in this respect was not yet settled in Ireland, and that very good reasons existed why it should be settled. The absence of legislation upon it in England was to be accounted for by the fact, that the same kind of tenure which existed in Ireland was but rare in England—namely, that of letting lands on leases for life renewable for ever. If a person would not pay his rent, whether he were a great and powerful man or not, he ought to be liable to ejectment. For his own part, he could not see why such a law should not be extended to England, and on that ground he quite agreed with his hon. and learned Friend, that the law of the two countries should be assimilated. He would not object to a postponement of the second reading of the bill for a short period.

Second reading postponed.

SUPPLY—TRANSFER OF AIDS.] House in a Committee of Supply.

The *Chancellor of the Exchequer* moved as a resolution, "That a sum of 2,000,000*l.* be granted in aid of her Majesty for the service of the current year."

Mr. *Herries* said, he wished to take that opportunity of calling the attention of the committee to an irregularity which had occured in the financial accounts of the last year. The committee would recollect that the budget was not brought forward until a late period of the session, and not until after much remonstrance, inquiry, and entreaty. It was not brought forward until the 16th of July, and that was a much later period than usual, for making the financial statement. It would also be in the recollection of the committee, that in about a month after the budget, to the surprise of all persons acquainted with such matters, it being supposed that with the budget the financial statement of the year closed, a very considerable financial operation was announced by the then Chancellor of the Exchequer—an operation for the funding of no less than four millions of Exchequer bills. He at the time observed that this was far from a convenient course to pursue, and the more especially as no circumstance had occured between the budget and the new operation to justify so sudden a change on the part of the Government. If, he said, the Chancellor of the Exchequer had been aware of any particular circumstance which made such a proceeding necessary he ought to have stated it at the time he made his financial statement. But he only adverted to this for the purpose of pointing out an irregularity in the public accounts, which had been the consequence of this unusual mode of proceeding. The irregularity of which he particularly required an explanation was this:—The House was aware that it was the practice of the Treasury, or, rather the Chancellor of the Exchequer for the time being, to make provision in each year in the Committee of Supply for the amount of Exchequer Bills outstanding and intended to be carried on; and then to take a vote in ways and means for a like amount of new Exchequer Bills to be created, in order to discharge them. The amount so taken in supply and ways and means last year was 24,000,000*l.*: but the late Chancellor of the Exchequer had proposed 25,000,000*l.* of Exchequer-bills, the odd million being found necessary to cover a deficiency to that amount in the income of the year, and these were included in the Appropriation Bill. After this came the plan of funding the 4,000,000*l.* of Exchequer bills, which, as it appeared to him, in the absence of any precise explanation of the subject, by cancelling 4,000,000*l.* of the 24,000,000*l.* so previously provided for, rendered the vote in ways and means by so much larger than it ought to have been. There was, in fact, a double provision made for these 4,000,000*l.* of Exchequer Bills outstanding; and he was at a loss to know how it would be made to appear correctly in the public accounts of the year. He thought this matter required explanation, and he hoped to hear it explained by the right hon. Gentleman. For aught he yet knew, the vote then before the Committee might be a part of the sum to which he had referred. But he waited for the right hon. Gentleman's explanation.

The *Chancellor of the Exchequer* said, he had better state at once to the Committee, that he had not been aware of the point to which the right hon. Gentleman referred, not having looked sufficiently into the matter. The arrangement alluded to was one which had been made by his noble Friend who had preceded him in office, and under such circumstances, he thought it would be more satisfactory if he were to defer his explanations to some Supply night after he had made the necessary and proper inquiries on the subject.

Mr. *Hume* wished to ask whether, during the last year, a considerable amount of Exchequer bills, the deposits of the savings' banks had not been funded? He understood that from this source, three millions had been added to the funded debt of the country without the knowledge of Parliament, and therefore he should be glad to know if any such operation as he had described, had taken place during the last year.

The *Chancellor of the Exchequer* said there had, but that he was not prepared to state the exact amount.

Mr. *Hume* could not help thinking, that such a proceeding was most irregular, and the House would fail in their duty, if they did not appoint a committee of inquiry on the subject. He called the attention of the House to a similar matter three years ago, and then stated, that no instance had ever before occurred, of a Chancellor of the Exchequer adding to the funded debt without the knowledge of Parliament. He believed, however, that the bill which authorised this proceeding, was brought in by the right hon. Gentleman the Member for Harwich, and he was, therefore, glad to find that the right hon. Gentleman now disapproved of it. He certainly should reserve to himself the consideration as to how far he would be justified on some future occasion, in moving for a committee of inquiry on this subject.

Mr. *Herries* said, that the bill referred to by the hon. Member for Kilkenny, was passed while his right hon. Friend the Member for Cambridge University, held the office of Chancellor of the Exchequer. He entirely agreed with the hon. Member in thinking, that Parliament ought very narrowly to watch the operation of that measure. In reference also to what had fallen from the hon. Member on the subject of savings' banks, he must say that he looked with some alarm on the increase of that species of stock, which was payable on the demand of the holders, and not at the option of the Government. Should it ever occur, though he was far from thinking it probable, that there arose a panic among those classes who were in the habit of making use of the savings' banks, so that they made a sudden call for their deposits, the financial difficulty of the period, should there exist any, would be very materially increased by the circumstance of so large an amount of the public debt being liable to be suddenly called for from the Government. When the question came on for general discussion, he would also have to complain that the Treasury had been backward in making the transfer from unfunded to funded debt, at periods when such transfers might have been made with more benefit to the public than at others.

The *Chancellor of the Exchequer* said, the right hon. Gentleman had undoubtedly raised a point of great difficulty, and one upon which it was anything but agreeable to him at that moment to enter. It appeared to him, that difficulty was likely to arise from their dealing with the money of the savings' banks. He was not precisely aware of the effect which had been produced by the conversion of Exchequer bills into stock, but he believed it had occasioned a considerable diminution in the amount of Exchequer bills. No doubt the facilities given to savings' banks, originated in the best motives, but, then, it was quite true, as had been stated, that great inconvenience was likely to arise from having such large sums demandable. The consequences of the operations alluded to, were a diminution of the unfunded debt, and from a document which he held in his hand, he could state the result of the last two years. At the beginning of 1839, the amount of the unfunded debt was 29,974,000*l.*, and in January, 1840, it was only 20,688,000*l.*, so that there had been a reduction of nine millions of Exchequer bills, or one million in three. As, however, he would have other opportunities of entering more at large into this subject, he would reserve what further he had to say, for some supply night.

Mr. *Hume* said, he was pleased to hear the observations of the right hon. Gentleman the Member for Harwich, in relation to the amount of deposits of the savings' banks, which had been so improperly dealt with. He had brought forward a resolution on this subject, but although he had shown its magnitude and importance, and stated how far it would operate to affect the public credit, with one or two exceptions, he could obtain support from neither side of the House. The public credit ought not to be subject to such risks as it was exposed to during the last twelve months. It was scarcely possible to say for a month together, that the country was solvent, and this was, he thought, a state of things which no Chancellor of the Exchequer should permit. He hoped, however, before the end of the present Session, they would see things in a different state.

Mr. *Warburton* wished to suggest, whether joint-stock banks, giving a moderate rate of interest on deposits, would not work better than the savings' banks. If such banks were established on principles of undoubted security, they would supersede the necessity of savings' banks, and save the Government trouble, while they held out to the public, nearly equal advantages to the savings' banks.

Resolution agreed to. The House resumed.

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HOUSE OF LORDS,

Thursday, February 6, 1840.

MINUTES.] Bill. Read a second and third time:—Prince Albert's Annuity.

Petitions presented. By the Duke of Richmond, from several Parishes in Scotland, against the system of Intruding Ministers upon Parishes against the wishes of a majority of the Inhabitants.—By the Duke of Wellington, and the Bishop of Salisbury, from several places, against the Doctrines of the Socialists.—By the Bishop of Salisbury, from some Board of Education, for Protection to the Church of England.—By the Duke of Sutherland, from several places, against the Importation of Foreign Flour into Ireland.

INTRUSION — CHURCH OF SCOTLAND.] The Earl of *Aberdeen* presented petitions from Cromarty and several other places in Scotland, against the intrusion of ministers into the Church of Scotland. All these petitions prayed that no ministers should be intruded on the Parishes in Scotland without the consent of the parishioners. Their Lordships, perhaps, knew, in some degree, the agitation and excitement that existed in Scotland on the subject of these petitions. He said in some degree, because he believed that noble Lords, not personally connected with that country, would find it exceedingly difficult to form any conception of the nature and extent of the feeling which prevailed in consequence of the proceedings of the Church courts and civil tribunals with reference to this matter. The state of feeling which now prevailed, and of which the noble Viscount opposite might be aware, was pregnant with mischief to the good order of society, and to the general peace of the country, which must necessarily be affected by it. That was not the occasion to enter into any inquiry as to the nature and causes of those dissensions which now so unhappily prevailed. Nevertheless, he should now state his conviction, that the principle of what was called "non-intrusion" had always existed in the Church of Scotland—had always been recognized—and effect had been given to it, more or less at different times. The will of the people had, in fact, always formed an essential ingredient in the election to the pastoral office. Those who now adhered, to that principle, did so he was convinced, from a sincere and conscientious conviction. The difficulty was to give, in a reasonable way, effect to that popular will, when duly and properly expressed, having, at the same time, a just regard to other rights and interests. He was himself disposed to believe, that the Church possessed within itself the means of regulating this matter; but after what had passed on the subject, he feared no attempt could be made for such a purpose by that body without being called in question. In his opinion their Lordships ought to have recourse to some legislative measure, having for its object to restore the peace of the Church of Scotland, and to heal and compose those dissensions which now distracted that country from one end to the other. In saying this, however, he wished it to be understood, that he did not presume to question the decision pronounced on the subject by that House in the course of last Session, and which had been made public by a noble and learned Lord, who was not then present. In that decision he entirely and perfectly concurred. He thought it was a decision favourable for the character of the Church of Scotland, and for the morals of the people of that country; both of which, in his opinion, would have been likely to suffer by the endurance of that law—the Veto law, which the Geneneral Assembly had attempted to establish, but which that House had pronounced to be illegal. He should conclude by asking, whether it was the intention of her Majesty's Ministers to introduce any measure, having for its object the removal of the difficulties which now surrounded that question? And, if so, at what time it would be brought forward?

Viscount *Melbourne* was aware of the great importance and deep interest of the subject to which the noble Earl had called the attention of their Lordships. The matter was under the consideration of Government, and probably a measure would be introduced on the subject. Ministers had not, however, made up their minds on the question, and not having determined on the course which they meant to pursue, it would be highly inexpedient for him to enter into any explanations at that moment.

The Earl of *Aberdeen*, as some measure on this subject was under the consideration of Government, would not press the matter further. He hoped, however, that when such a measure was brought forward it would be adopted by the Cabinet, and would not be treated as an open question; because, if it were so treated, the Church and the country would be apt to question the sincerity of the Government.

The Earl of *Haddington* was only anxious to say, that the great difficulty of this question turned on the exact meaning of the phrase "non-intrusion." He hoped, that no measure proposed by the Government would confer on the people the arbitrary power of rejecting a minister capriciously and without due cause.

STATE OF THE NAVY.] Lord *Colchester* rose to call the attention of the House to a subject which he had brought before their Lordships in the course of the last Session. He had, at that time, endeavoured to call the attention of their Lordships and of the country to the undefended state of our own shores, and he believed it would be found on inquiry that very little change had since taken place. It was, therefore, his intention to move for certain documents principally in continuation of those given last Session to show the present state of our naval defence. In making this motion, he might lay himself open to the imputation which had fallen upon others, that he was actuated by party motives; either that, for the sake of attacking Ministers, he was describing a weakness in our naval force that did not exist, or which, if it did exist, he was unwisely exposing to foreign nations. To the first objection, which was only personal, it would not become him to make any reply. To the second, which had reference to our naval weakness, he would only say, that it was already too well known to foreign powers, and too little known to ourselves. He was, therefore, anxious that such measures should be taken as would effectually remedy the existing defects in our naval system, and prevent the country from feeling the evil consequences that were likely to arise from long neglect of the naval department. The first return he should move for was an account of the number of seamen and marines voted for the service of 1839. He was, aware that 35,000 men, the number voted, was as great a number as had been voted since the peace. But that was no sufficient answer; because the state of our relations with other nations, their state of preparation, and the state of our commerce, rendered it necessary to have a larger naval force afloat at one time than at another. The second return he should move for would be a statement of the distribution of that force on the different naval stations abroad. And the third return would be a statement of our forces on the home station, showing the number of officers, seamen, and marines composing the complements of those ships, and also of the numbers actually borne on their books, on the 1st of December, 1839. Now, this was a question which appeared to him of very great importance. What did our force consist of? Only three guardships of from 110 to 120 guns, manned with one-third of their complement, and with officers for a fifth or sixth rate, and, therefore, not in a state for efficient service. Upon the home station there was one frigate of 36 guns with some small schooners and cutters. That was the whole force at home, excepting ships recently put in commission for foreign stations, or that were about to be paid off, which we had for our own protection, or for sending to any other part of the world that might need it. To judge how far that force was sufficient, their Lordships should look to what the other great powers in Europe had in readiness. The other two great naval powers of Europe at present were Russia and France; and their Lordships would see how badly we could bear a contrast with those powers. Russia has in the Baltic 28 sail of the line, 18 frigates, 39 smaller vessels carrying 3,672 guns, and 30,087 men. She had in the Black Sea 13 sail of the line, 11 frigates, 17 smaller vessels carrying 1,956 guns, and 14,300 men. It had been said that many of the ships of Russia were old, and that the soldiers were sent on board for a few weeks, during the summer only; but if he was not mistaken, an officer in the confidence of her Majesty's Government, who had seen that fleet, and made a report on it to the noble Lord at the head of the Admiralty, was of a different opinion. So much for the state of the naval force of Russia. From the official budget for 1840 presented to the King of France on the 1st of January, 1839, for the peace establishment, it appeared that there had been wanted for the service of this year 34,000 men, being within 1,000 of the number voted for this country, notwithstanding our extensive colonial possessions and great trade with every quarter of the globe; while the colonies of France were comparatively few and insignificant. Of this number, there were for the service afloat above 23,000 men. The following was the distribution of those 34,000 men. There were 8 sail of the line, 12 frigates, 20 steamers, 90 other vessels—making 130 sail, carrying 20,498 men; 8 vessels "*en disponsibilité*," carrying 1,225, and 16 "*en commission de rade*" carrying 120. According to the report of the Minister of Marine there were for the service "*à terre*," *equipages de ligne*, 4,323; *artillerie de la Marine*, 1,402; *regiment d'Infanterie* 5,119; and for the service "*à Mer*" there were *etats majors* and *equipages des batiments armés* 22,420, *officiers militaires* (not included above) say 753, making altogether a force of 34,017 men. It should likewise be borne in mind, that the ships of France were of a more powerful description than ours. They had 40 sail of the line kept ready for their peace service, one-half of which the noble Lord opposite was aware were in the water, and the other half in the slips, ready, or nearly ready, for launching, as the French preferred that to the ordinary mode of disposing them. Of these there were 10 of 120 guns, 10 of 100, 15 of 90, and 5 of 80. Now let them see the comparative state of the resources of France and England for the defence of their own shores, in case of any sudden attack, or upon foreign stations in case of any unexpected emergency. He had stated, that we had only three guardships at home. Well, we had two sail of the line at Lisbon, which he supposed the noble Lord opposite would consider part of the home force. The noble Lord was of opinion that it was preferable to have ships in the Mediterranean to lying idle in the ports of England. Now, instead of admitting that, it appeared to him that even Lisbon ships, which were so much nearer than the Mediterranean, could not be regarded in that light. In the first place, the Hastings had been stationary at Lisbon for no less a period than 1,230 days, being nearly three years and a half, without lifting her anchor, and the present flag-ship, the Donegal, was imitating her example. So much for lying idle in ports. Then with respect to ships at Lisbon being ready for any service for which they might be required, he must beg their Lordships' attention to a circumstance which occurred two years ago. It would be within their Lordships' recollection that in the month of December, 1837, the news arrived of an insurrection in Canada, which rendered it most important, that troops should be sent out without delay. Unless he was greatly misinformed, there was not, when that news arrived, one disposeable ship in the English ports, with the exception of the Inconstant, a ship of 36 guns, which sailed for Canada on the 7th of January. It was, therefore, necessary to call ships from various foreign ports. The Pique, 36 guns, was recalled from the coast of Spain, and sailed from Cork on the 23rd of January, by which there was a loss in point of time of one fortnight. The Hercules, of 74 guns, was recalled from Lisbon, and sailed from Cork on the 27th of February, whereas, had she been in an English port, she might have sailed on the 7th of January, showing a loss of six weeks. She was followed by the Vestal which did not sail until the 3rd of March. So that he could not think that ships lying at Lisbon could be considered as ready for general service as if they were lying in English ports. While on the subject of disposable ships, he might mention that the squadron which was now said to be fitting out for active service in China, consisted of four ships—the Blenheim (72 guns), which was recalled from Lisbon, and arrived the 11th of December, the Blonde (42 guns), which was commissioned November the sixth, the Pique which was the only efficient ship, but which was not ready till November, having been sent to Canada, and the Andromache (26 guns), which had been recalled from North America, and arrived on the 14th of December. Now, in observing these dates and facts let their Lordships remember that the answer of the Government to the memorial of the merchants, upon the subject of the seizure of opium at Canton was dated about the middle of November, when it was to be supposed, the fact of the seizure having been known to them, as a noble Lord just observed to him, in the month of August, that they had made up their minds as to the course they would pursue. It appeared, however, that at that period, there was only one efficient ship at their command. He would now call their Lordships' attention to the advantages which other nations possessed in the manner of increasing their forces. In Russia, men were kept constantly ready, and in a state of discipline. In France, they had their seamen registered, and could at all times increase their force; while we generally took some months to beat up for voluntary seamen. We found a difficulty, too, in getting officers to serve, especially mates. They had no established rank in the service, and when thrown on shore had no half pay. That was not a very enviable position for young men to be placed in. By a return which was made by order of the House of Commons on the 3rd of last May, it appeared that of 310 mates in her Majesty's navy who had passed their examination previous to the year 1836, 7 had served 18 years, 15 had served 17 years, 25 had served 14 years, none had served for a less period than 10 years; and yet of those 310 mates, 288 were still looking forward for those posts for which they were so well qualified, but 22 of them having been promoted. These were facts which he trusted would meet with consideration from the noble Lord at the head of the Admiralty. There was another point to which he could not avoid adverting, and in reference to which many plans had been, at different times, suggested by officers more competent than he was—he meant that of giving encouragement to the men. In his opinion, no means could be more effectually adopted for that purpose, than in the first place, the continuing pensions granted for long service, to those who re-entered on board her Majesty's ships, instead of, as at present, depriving them of their well-earned reward so long as they were serving their Sovereign. Many on this account preferred serving in merchant-vessels, and even in vessels of foreign countries, the evil effect of which was evident, as her Majesty's navy, thereby often lost efficient and valuable men, capable of teaching the younger men their duty, and consequently facilitating the service. In the next place, he would restore the pensions to the widows of warrant officers, and permit the petty officers of ships paid off, to be borne on the flag-ships at the different ports (as authorized by his late Majesty when Lord High Admiral), till they could find sea-going ships. He was sure the noble Lord would agree with him, that it was highly desirable to hold out some encouragement of the kind. Another evil which had arisen from our having so small a squadron at home, was, that no squadron had of late years assembled to practise evolutions. However well manned might be our ships, if they were not accustomed to exercise together, they would not be able to perform their evolutions with that degree of dexterity and skill which was so essential in engagements with the enemy. Since the year 1831, we had had no squadron practising evolutions; so that the greater part of the younger captains in the service, he meant those who commanded frigates, had never seen any. It had been said, that though we had no ships, we had steam-vessels; that steam-vessels had become so numerous that we had nothing to do upon any occasion or emergency but to hire them from merchants, of whom we should find very many in the city willing to enter into such engagements. It was certainly true, that the number of merchant steam-vessels was greatly increasing and that of that number there were some which were fit for the service of the navy; but in the valuable report of the commissioners appointed to inquire into steam-boat accidents, he found two opinions, to which he begged their Lordships' attention. Speaking of the quality of present steamers, Messrs. Curling and Young observe:—

> "In some vessels, materials of inferior description and perishable quality are employed; in others, the connection of the parts is ineffective, the fastening injudicious or scanty, or the workmanship negligent."

Mr. Gibson says:—

> "The steam-packet owner looks only to the splendour of the saloon and the velocity of the vessel. It is upon these alone, that he depends for success; the safety of the passengers is altogether lost sight of; to insure speed the fabric of the vessel is made as light and flimsy as possible to hold together."

It should also be remembered, that many of our ships were getting old and defective and that many might be disabled in action or through accident. It was, therefore, highly necessary that a proper supply should be kept up. He should, therefore, move also for a return of the names of all ships launched since January the 1st, 1835. If he was not much mistaken, the returns for which he moved would show beyond a doubt, that our home station was deplorably deficient in case of any sudden attack and that we have no adequate reserve to supply reinforcements which might be required suddenly in any of our distant stations when their Lordships took into account the chances of war, and the contingencies of hurricanes and weather. Besides, our squadrons could not be increased so rapidly as those of France or Russia—another reason why we should not leave our shores open to attack, and our trade unprotected. He hoped, therefore, that endeavours would be made on the part of this great empire to regain that supremacy of the sea which we had so long and so gloriously enjoyed, which, he was sure, if proper means were taken we had the power to regain, and which, if once regained, he hoped we should ever after be able to preserve. The noble Lord concluded by moving for the returns specified.

The Earl of *Minto* thought that the greater part of the observations which had been made by the noble Lord had better have been reserved until the returns for which the noble Lord moved had been made to their Lordships, and it would then be seen whether the navy was or was not in the state which the noble Lord had represented. He would most readily acquit the noble Lord of being influenced by anything like a factious motive in making the present motion, but at the same time he must say, it appeared rather strange that some such motion had not been made during the whole time of those reformations which had almost reduced it to the lowest ebb. When the pressure of economical measures was so great as to induce the Government to withhold the necessary supplies for maintaining that sort of establishment, upon which the efficiency of our navy mainly depended—when those popular reformations were taking place, and those large reductions were made, there had not been heard one word in reprobation of the measures. It was only since a larger demand had been made upon the country—when stores were amply supplied, when ships were thoroughly repaired, and when the fleet had been nearly doubled—it was only then that those returns were moved for, only then that complaints were made of the danger with which the country was threatened from the inefficiency of the navy. Through many of the observations which had been made by the noble Lord, he did not intend to follow the noble Lord; first, because he did not deem it necessary; and next, he was not prepared, even should it be deemed desirable, to detain their Lordships. There were but one or two points of the noble Lord's speech to which he should address himself. The main ground of complaint which had been put forward by the noble Lord, was, that our fleet was not sufficiently strong. He was ready to admit, that the question was not so much whether we had more or less ships, but whether we had enough. He would also admit, that we had not ships enough in commission to cope with the whole Russian fleet, if that fleet were also in commission, and prepared to take the seas against us; but he would at the same time say, that it was not necessary to be in such a situation at the present moment. It was not necessary at a time of profound peace, when from our political relations with that and other states it was not only highly improbable, but there was not even the slightest danger of hostilities. Under such circumstances, he could not at all see why we should make preparations to obviate evils which were merely imaginary. The noble Lord had told them that France had at present a large fleet. Undoubtedly she had, and it was probable that in the course of the summer, she would have a considerable force at sea; but what was there to lead to the supposition that she would employ that fleet against this country? The noble Lord said, that our shores were in danger, because we had no line of battle-ships in the Downs, or at Spithead; but, what country was there in the world, which would maintain a naval force equal to the protection of its whole coast in a time of profound peace? Rather than this, it would be better to go to war at once with every naval power, and take the chance of the issue. The noble Lord said, we had but three ships for our protection. Now, what was the fact? There were 21, or 20 sail of the line in commission, and he would ask their Lordships was not that a respectable force? The noble Lord alluded to our having a considerable force in the Mediterranean. This only showed that we had a large disposable force at hand, which when necessary we made use of, and the sending them on detached service was a proof that it was well to have them in reserve, so as to avoid the expense of putting ten or twelve more in commission. At this very moment, there were four sail of the line at home, there were two at Lisbon, and two others were on their return from the Mediterranean. During part of the last month, there were five sail-of-the-line on the home station, but of course the number varied at various times. The noble Lord had stated nothing to show that the relation in which we stood towards foreign powers would render it either desirable or necessary to have a large naval force in commission. The noble Lord said, that when a naval force was called for in Canada, we were not prepared to answer the call. There was a delay, he said, in sending ships to America. Now, the noble Lord must see with different eyes from others, for so readily had the call been answered, that the gallant officers in Canada expressed both their satisfaction and surprise at the expedition with which the call had been responded to. In a very short period, six line-of-battle ships had been sent to the colony. At present we have 22 sail-of-the-line, and 12 in the Mediterranean. Should circumstances arise, which would render the equipment of a larger naval force necessary, he should not shrink from the necessity of coming to Parliament and asking for the means necessary for such an equipment. Whilst the noble Lord talked of the want of new ships and the decay of the old ones, he contended that they had at the present moment 40 sail-of-the-line, which could in a very short time be called into activity. The noble Lord had alluded to the comparative weakness of our naval force as contrasted with those of France and Russia. That might be very true in part, and as related to an old fleet. The newest were always, of course, the stronger in proportion; but it was not true that we had not large ships capable of coping with those of other countries. With respect to the fleet in the Mediterranean, it should be remembered that it was stationed there for a particular purpose, for which purpose it was found to answer sufficiently. It was sent out for the purpose of acting in alliance with the French fleet. If it were sent out with a hostile motive to act against France, it of course, would be unwise to select weak vessels, and in that case the noble Lord's observations respecting it would have been well founded. Still, however, the force in the Mediterranean was a respectable one, being composed of three-deckers and large second rates, with the full peace complements. The noble Lord said, that the Andromache had been recalled from North America for the purpose of being despatched to China. This was not the case, as the Andromache had not been sent for. The noble Lord had also alluded to the manner in which she was manned. Now, he would inform their Lordships, that the manning was fully up to the highest peace complement, and far beyond that of any vessel in which the noble Lord had served since he held the commission. The complement of men was larger than was ever before known in time of peace. In some cases the complement was nearly as large as in time of war; in others it was quite so; and in others again, it was even beyond the war complement. Yet in the budget of charges which the noble Lord had opened up upon the Government, he had laid particular stress upon this point. With regard to what had fallen from the noble Lord respecting the mates and men, he would merely state that the subject was under the consideration of a committee, over which the noble Duke (Wellington) opposite presided, and it would, therefore, not become him to utter a word upon that subject. He would only say, upon this point, that the condition of the petty and warrant officers was far better at present than it ever had been before, under any other Government, inasmuch as an increase had been made to their pay, and they enjoyed several other advantages. He did not remember any other topics in the speech of the noble Lord which called for a reply, and he would therefore only say, that the Government would not be found wanting in all that was necessary for maintaining our naval establishment upon a proper footing. All that was necessary to its efficiency should be closely looked after. They would see that the existing ships were kept in a state of perfect repair; that those which were old and unfit for service should be replaced by others of a larger size, and superior construction; but, above all, care would be taken to turn to the best account the advantages which the great increase of power in steam-vessels afforded, and there would be no hesitation on the part of Ministers in proposing whatever was necessary and practicable for the efficiency of the navy, without resorting to those showy modes which were sometimes adopted for the purpose of captivating applause. He had no objection to make the returns which had been moved for by the noble Lord, though he did not entirely like the character of some of them. There was one of the returns, however, to which he objected, and he thought their Lordships ought to pause before they granted it. He meant that one which called for a return of all the ships which were being built within the same period, with the state of forwardness in which they were at present. He did not think it was right to call for an official return of what was done, of what was doing, and of what was in progress. If the noble Lord wished to press for that return, he (Lord Minto) would not resist it, but he would take leave to suggest to the noble Lord, that it had better be omitted.

The Earl of *Hardwicke* could not agree with the noble Lord who had just sat down, that we were at present in a state of profound peace, that there were no signs of approaching war, no symptoms calculated to create alarm, and that our position was so perfectly secure as to leave us nothing to think of but the quiet and peaceful enjoyment of our own firesides, that there was nothing to call our attention to the state of our dependencies abroad, or to the defence of our country at home. How could the noble Lord talk of 40 sail-of-the-line at a moment's readiness, when there was a fleet in the Mediterranean and another proceeding to China? What could the noble Earl have been thinking of when he asked why no complaint had been made before? Why, the reason was obvious. There had been no complaint because all was in a state of peace. War was not talked of, or even hinted at, and not only was there peace, but there was satisfaction also, and not the remotest supposition of a war existed in the mind of any man. Could this be said now? Were not our American colonies in a most unsettled state? If noble Lords followed through the whole line of the American coast, they would find a French squadron carrying on a sort of buccaneering expedition. Last year it was exhibited at San Juan d'Ulloa, and this year at Monte Video. Then again, passing on to India, could it be said that we were in a state of peace? Look then to China, where it was found necessary to send out a squadron, which, if our naval resources were such as the noble Lord would have the House think, ought by this time to be half way on its mission. Was there no war in India? For what, then, was the vote of thanks passed on Monday night, to the army which had so signalized itself there? Was that peace, he begged to ask? Had not the House and the country a right to put these questions to the noble Earl opposite? The noble Earl had then proceeded to state that he had not a fleet sufficient to meet the Russians. Had the noble Earl a fleet sufficient to meet the French? Let the House observe what really was the state of the fleets of the two countries, France and England, in the Mediterranean. He would give the noble Earl opposite a considerable advantage in the discussion of this part of the question, for instead of only twelve sail of the line, which the noble Earl claimed as being now in the Mediterranean, he would concede to the noble Earl that there were fourteen sail of the line. Against that amount of British naval force he would put the French naval force at present in the Mediterranean, which, from the report of Admiral Rosamel, it appeared was twelve sail of the line. He said in his report that he had nowhere less than twelve sail of the line; that in 1839, he was to have eight sail of the line; and that he had twelve sail of the line on the 1st of January, 1840, in the Mediterranean. The noble Earl said they were not equipped. Why, they were either in the port of Toulon, at anchor in the Levant, or they were engaged in the conveyance of French troops to Algiers. Now, what was the state of the two fleets in respect of ships' complements. The complement of the twelve sail of the line of French vessels was, according to the report of Admiral Rosamel, 8,222 men; the complement of the fourteen English sail of the line, giving them, as for the sake of argument he would, a full war complement, amounted to 8,710 men. There was an advantage, he admitted, in this respect to England. The number of guns also was in favour of England by 224; but presently he should call attention to a comparison of the weight of metal in the two fleets. But speaking of the complements, when he turned to the frigates, he found that the balance of each fleet was thrown all the other way. The complement of eighteen French frigates scattered all over the world was 7,884 men, while the complement of twenty-four English frigates scattered all over the world was only 5,045 men, giving a balance in favour of the French of 2,839 men, which balance would be sufficient to man the remainder of the line-of-battle ships which the noble Earl said he had. With regard to the calibre of the ships, the noble Earl did not dispute that out of the twelve line-of-battle ships there were one of 120 guns, one of 100 guns, two of 90 guns, three of 80 guns, and five of 72 guns; that of the eighteen frigates, there were four of 60 guns, seven of 50 guns, and seven of 40 guns, besides twelve corvettes and 35 smaller vessels. Now the English ships, with the exception of a very few, were chiefly of 74 guns, or as they were now called 72 guns, with one of 104 guns; one of 92 guns, and three of 80 guns. So much, then, for the comparative force of the French and English fleets. He would venture to say, that in ability to manœuvre, the English were exceedingly superior in every way, yet at the same time there was that disparity of force which rendered it excessively necessary (and it was not extraordinary that such should be the case) that British officers should look with anxiety to the duties and services they might be called upon to perform. The noble Earl had stated, that he had quite a sufficient force in other parts of the world, and that on the home stations he possessed six disposable frigates. He apprehended that those six ships included the flag-ships at home, and he could not think the noble Earl serious when, with their present complements, he could include them in his disposable force at home. [The Earl of *Minto:* They could be manned immediately.] He could scarcely think so; but, admitting it for the sake of argument, the noble Earl had then three line-of-battle ships in port at home that he could man immediately. Why then, if the noble Earl had these three disposable ships, had the noble Earl sent out to different parts of the world to recall ships home in order to send them out elsewhere to carry on his operations? Why, when the British flag had been insulted (for so he must call it, though an apology had been made) last year at San Juan D'Ulloa, had the noble Earl sent out to the American station to Sir Charles Paget to come to that coast with the squadron under his command? Why, instead of taking that course, had not the noble Earl sent out at once and without delay the three ships which he stated he had in reserve at home? If the noble Earl had three sail of the line fit for use at home, why did he not at once send them out to China, instead of calling the Blenheim to refit at home, where she had been since December last? In short, why was it that the noble Earl had not availed himself of his disposable reserve at home to settle those points of difference which had arisen in different foreign countries? Why, because they were not fit for the service. Out of the six sail of the line of which the noble Earl had spoken, two were at Lisbon still, and yet he included them in his reserves at home. Last year, a treaty had been concluded between France and this country, by which it was agreed to draw a line of demarcation of the ground each country was to use in fishing. Had that treaty been of any use or benefit to the English fishermen—had they been protected by any ship of war? No; if the noble Earl would ask the fishermen of Dover, or of Brighton, he would find, that as there was no ship to protect the British boats, the treaty had been a dead letter altogether. Of what use, then, were the reserves of which the noble Earl had spoken? The truth was, the reserves were three ships of the line, officered according to fifth or sixth rates, with three lieutenants instead of eight or nine, and just a sufficient complement of men to wash the decks and keep the ships clean. Beyond that they were worth nothing. If his representations were true, he begged to ask the noble Earl opposite what he would do in case of emergency? The noble Earl had said he could send 40 sail of the line to sea directly. Recent events, had, however, shown that a line of battle ship could not be manned without the greatest difficulty. A ship of the line now lay three months in port, and was seldom manned in that time. [The Earl of *Minto:* The Benbow was manned in two months.] The case of the Benbow furnished a remarkable instance, but even her crew had not been completed without sending for men to all the ports of the country, and he knew well that it was impossible, without difficulty, now to man a ship except by draughting from other ships in harbour. In short, though France had a reserve, though Russia had a reserve, still he maintained the noble Earl opposite was not prepared with a reserve. The truth was, that the officers of the British service who felt that they would have the responsibility of answering to their country for the performance of the duties they might be called upon to execute, were sensible that if sent to sea against a force trained and drilled such as that of France, they were not competent to meet them in a manner that would be satisfactory to this nation. That formed one of the reasons why the subject was pressed upon the attention of the noble Earl and of her Majesty's Government. He begged to ask whether now, after twenty-four years of peace, there was in the country that degree of experience amongst the officers of the profession who were fit for active service, that experience which would warrant their being sent to sea in command in the same way as were the French officers who were kept in constant practice? The French had no more officers than they actually wanted for the use of their ships and dock-yards: they were, therefore, constantly in employment, and were never without their uniforms on their backs. Admiral de Rigny, while captain of the Syren, had told him that he had been afloat 16 years. Now, were the young officers of this country—men of his own standing in the profession—competent to meet such men as these? Though there might be great zeal for, and attachment to, the service—though there might be deep loyalty and affection towards the country on the part of British naval officers, was there that affection and attachment towards the Government which would of itself induce them, if called upon, to serve? Did the noble Earl think he had done justice to the officers of the naval profession —had he bestowed the patronage of the profession in a manner which became him as First Lord of the Admiralty? Had this been done in such a manner as to induce the officers of the navy to serve the Ministers as they would the Crown? There was one home which had heretofore always been left for an old and meritorious officer, where in his old age he might repose on his honours, and be regarded as a man who righteously had deserved that place. In what manner had that home been recently disposed of? He would take that piece of patronage as a type of the general way in which the noble Earl opposite had acted—he would take it as a sample of the sort of feeling which the noble Earl had shown towards the service. The noble Earl had given that appointment to one who had not fought the battles of his country against the enemies of that country, but who had fought side by side with the noble Earl at an election contest. Would that course of proceeding satisfy either the service or the country? Though the noble Earl had said he could send forty sail of the line to sea immediately, would that force go forth officered by men who not only loved their country, but who also had affection for those Ministers with whom they had to deal? If such were the case, then this discussion was useless, and the noble Earl opposite had a triumphant answer to the case put by his noble Friend who originated the discussion. Then, if the noble Earl had not a sufficient force at home—if he had not sufficient force in other parts of the world—if he had not seamen to man the forty sail of the line, putting officers out of the question, he asked him in what position did he stand, and what course he had to pursue? He believed that the cause of this state of things was not wholly attributable to the noble Earl—he did not believe but that the noble Earl was desirous to do his best —he did not believe that the noble Earl objected to have the appointments and patronage of a large fleet, but the cause of this state of things was that the successive reforming Governments which had taken the country in hand, had commenced a most niggardly system of finance, which had so cut the naval profession down, that the noble Earl had been obliged to ask in supplies for 4,428,000*l.*, and had expended upwards of 5,000,000*l.*, being an excess of 969,776*l.* over the naval expenditure of the empire when the noble Duke behind him (Wellington) left office. Since the effects of niggardly economy had been seen, the Government had attempted to whip up, and place the navy on a better footing. The noble Earl had said he would not flinch from asking additional supplies if he found them necessary; but he complained that the service should have been let down so low as to make it necessary to whip up in order to make a decent show to the French, who, while British ships had been rotting in harbour, had increased their force and was ready to say to this nation, "Now we can deal with you." He believed he had now answered all the points raised by the speech of the noble Lord opposite. There still remained another point to which he desired to refer. It had no reference to the active force of the country, but it was a subject upon which he spoke with great respect and diffidence—he alluded to the state of the young officers of the profession. The noble Earl had spoken of his forty sail of the line being ready for sea, but where would he find his midshipmen, for there were now no young men coming forward to the profession? Had the noble Earl tried to improve this state of things? The object of parents sending their sons into the profession, would be first to see they had a proper education, and yet the first thing the noble Earl had done, was to knock up the only means provided in this country for the education of young men for the naval service. The noble Earl, after putting down the only naval seminary, had erected a new plan for the education of youth intended for the naval profession. He told the noble Earl last year, and after two years' trial of his plan, that it had not succeeded. There were now but twenty-three instructors in the fleet, and though the noble Earl had said he intended to have one highly educated instructor of good character and of great mathematical attainments on board each ship, yet after three years' endeavour to induce men of that description to enter the service for this purpose, he had now only twenty-three instructors in ships which had ninety midshipmen on board. But what had become of the education of the rest of the youth? "Oh!" said the noble Earl, "I will provide for them ashore in the old building which constituted the former seminary, and there, with new instructors, I will receive thirty young men who have served their time afloat and passed their examinations, and there I will finish them as at an university." The noble Earl had now got there just twelve pupils instead of thirty, and these, he begged to remark, had been taken from service afloat at that period, of all others, when they should be kept at sea—the period at which, having passed their examination, they ought to be practised in quarter-deck duty, and occasionally have charge of the ship. On all these grounds he maintained, that the education scheme of the noble Earl had been a failure. The East India Company still retained their college at Sandhurst, and why should not this nation have kept up its naval college as it was, and have provided that in every ship there should be an instructor in the shape of a lieutenant, who had sense enough to induce the youths on board to continue the exercise of those attainments which they had acquired at that college? If that had been done, the parents of the country would have been satisfied with the means of education provided for their children, and the navy of Great Britain would not be so deficient of rising young men ready for the service as she was at present. He had now done. He did not think it necessary to trouble their Lordships with any further observations on this subject: he would only say, that while the noble Earl was thinking of the various political affairs which occupied the Cabinet at home—while they were considering Irish and other internal questions—the noble Earl ought to remind his colleagues, that the liberties of this empire were nothing, unless its means of naval defence were kept in a proper condition.

Lord *Colville* said, that holding the high rank which he had the honour to hold in the profession, he could not avoid offering a few observations to their Lordships. If he consulted his own inclinations, he should not, at that late hour, trouble the House. But, as it seemed to him, France had awoke from her slumbers like a giant refreshed, and had held out her arm towards this country with something like a threat. Now, so far from being in a state of profound peace, we were in such a state, that the French Minister of Marine had prepared the country in a very short time for entering on service, for he observed, that in the expenses stated to be wanted in the current year, the Minister had alluded to the necessity of the navy being in a state to meet one of three things—a state of war, a state of peace, and another to meet the exigencies which might arise and had arisen. An announcement had been made from the throne extremely agreeable to hear—that our relations with foreign countries remained undisturbed. He did not know how far their Lordships could feel that to be the case: he left them to decide. But they all knew the uncertainty of human life, and if, unfortunately, the King of the French should die, how long was it possible to say, that we should be at peace with France? He did not treat this as a party question at all; but it was clear where the shoe pinched. The Government had not exerted themselves sufficiently, or aroused themselves from that apathy in which they had been long plunged in regard to the state of naval affairs. How was our commerce to be carried on, if, in the case of a war breaking out, we did not maintain that determined and decided superiority at sea which, in the late war, we had the good fortune to possess? There was a time when, in consequence of the great and glorious victories obtained under a Wellington and a Nelson, followed up by the victories of those who fought under their banners, that our commerce was carried into every corner of the world. Could that be expected to be the case now, if we did not start at the commencement of a war with a superiority at sea? The great difficulty, he thought, existed in the state of our finances. He thought that it was high time that something should be done. When he saw the sum which it would require to put our navy on that respectable footing in which it ought to be, and reflected that a much larger sum had been sacrificed to the silly and ridiculous project of a penny postage, he could not but express his regret. The state, too, of a very important branch of our commerce with China, involving a revenue of about three millions and a half, was such as to prevent our making those advances in support of the navy and those exertions which were necessary. He was one who deprecated the opening of the trade with China, and who was of opinion that that trade could never be carried on properly except through the medium of a body such as the East-India Company. He feared that it would require a considerable force to settle that trade, and he, for one, regretted the loss of time which had occurred in carrying out that purpose, in having to send for ships of war from Lisbon for that service. He did not think that the exertions had been made which ought to have been made, considering the present state of affairs; at the same time, the establishment of our navy was not in the state it ought to be. Many men were allowed to be scattered about the world when ships were paid off, because there were no other ships to receive them. It was very easy to talk of forty sail of the line, but where were the men or the officers to come from? He would not call in question the *materiel*—the store of the dockyards; he believed enough had been said last year to induce Ministers to have the dockyards well supplied with stores; but where were the men and officers? The only way to be prepared for war was to have an efficient force in peace. With regard to the Hastings, which bore the flag in her of his gallant Friend, Sir W. Hay, was the exercise of that ship such as was calculated to keep the men efficient? Practice in the navy was everything, and the officer who took charge of a man of war, and had to put her through evolutions, would be unable to give the necessary orders if he had never done so before. These were things which were part of the necessities of the case, and he hoped that the purse-strings of the country would be opened—opened they must be, sooner or later. He much deplored that such a state of things existed as at present. He did think that there was danger of the taunt of Napoleon being literally fulfilled—that Great Britain was nothing but a nation of shopkeepers. But how were their shops to be kept open if a war should commence? Where were the funds to come from for their great plate-glass windows and their gin palaces? If we were not properly prepared for a war, our ships would be taken in the Channel by steam-vessels; and if we supposed it possible that we could trust to the mercantile steam-vessels as fit for vessels of war, we should be very much mistaken. We had no vessels to compete with the French steam-vessels of war. He would also express his anxious hope that something should be done for the midshipmen, mates and officers on service, many of whom we were likely to lose for want of something being done for them. A commission had sat on the subject, which led him to hope the greatest things for this class of men.

Viscount *Melbourne* had certainly not expected so lengthened a debate to occur on this occasion, and was therefore not prepared for it; but some observations had been made by the noble Lord, and particularly by the noble Lord who had addressed their Lordships last but one (Earl Hardwicke), of such a nature, of such a character, and of such a description, that it was impossible for him to pass them over in silence. He had begun by stating, that in recent times to which he had referred no attention had been paid to this subject—that no attention had been paid to the state of the navy—that no remark had been made about the diminution of its forces, because everything was calm and quiet, and everybody was satisfied because perfect peace prevailed in Europe—because the minds of all men were perfectly satisfied. When was this, he begged to ask? What times did the noble Earl mean? What times did the noble Earl refer to? He declared, that since the termination of the French war he remembered no such times. The noble Earl referred to the Administration of the noble Duke (Wellington). Did he refer to his Administration in 1828 and 1829, when Russia was marching on Constantinople? Did he refer to those periods as exhibiting no danger and no reason to look for war? At that period the noble Duke had only been restrained from actually interfering in the affairs of Europe because he believed that Russia would fail. Did the noble Earl allude to 1830, the year of the termination of the administration of the noble Duke—the year when, contrary to every representation of the noble Duke, the French entered into that expedition to Africa which was now spoken of as the most dangerous to this country? He asked to what period he referred, when it was possible for us to rest on the perfect tranquillity of Europe? He confidently stated, that there was no such time. He confidently answered, that there was no such period since the termination of the great war of the Revolution in which it was not our duty to attend to the situation of the navy; and he confidently stated, so far as he could understand the statement of his noble Friend, that there was no period in which greater attention had been paid, in which greater exertions had been made to retrieve former errors, if errors they were, than during the Administration of his noble Friend who now presided over the Admiralty. It was very easy to make calculations of the navies of foreign powers—that they had so many sail of the line, and that we had so many; it was very easy to point out dangers in different parts of the globe—to point out the commercial interests we have; to say, "Here we have not sufficient guard, there they have not sufficient guard; there they have not sufficient security; there they have not sufficient safeguard on your interests." He (Viscount Melbourne) said, it was impossible to have sufficient safeguard on every point; it was not in the nature of things with an empire like ours, and with the difficulties which must always arise. It was impossible that any finances or resources of the country could maintain a force sufficient to be ready at every point. They must run some risk—they must run some hazard somewhere—they must commit some points to chance; there must in some instances be delay, and there might in some instances be disaster; and the only course they could pursue was, to have as large a force as it was possible for the country to maintain, and to dispose of that force with the greatest skill in order to give assistance in the most easy and ready manner in every quarter. The noble Lord said, the Russians had their sailors in regiments, and could put them on board their ships immediately. It would be absurd for him (Viscount Melbourne) to give any opinion on the merits of different services; it was certainly true, that such was the organization of the Russian navy, and that they could so bring them into immediate service. He would not give any opinion as to the merits of those troops when embarked; he could not pretend to do it. He said the French could also man their fleets in a similar way, from having their sailors registered. He knew very well that that was the case, and he knew very well what was the opinion of persons holding high offices in France of their own navy and the character of their sailors. He knew very well it was very diffident indeed, and and that they did themselves think that from the circumstance of the short time during which their men served, and from their never returning to the service when they had left it, from the indisposition to the service which prevailed, there were many persons in that country who despaired of their navy ever reaching a great degree of efficiency; and, therefore, he could not entertain the desponding notions which the noble Earl had attempted to induce the House to embrace on this subject. But the noble Lord had gone further than all this; he not only said, that the foreign services were so extremely well conducted, and so very powerful, and able, and superior, but he did not spare his own service, or the officers of his own grade and character; he attacked the experience and skill of our own officers. [*No, no!*] The noble Earl did; he said that they had no experience compared with French officers.

The Earl of *Hardwicke* rose in explanation. He had said this in arguing with the noble Lord on bringing forth his forty-sail of the line. He (the Earl of Hardwicke) stated, that the Navy-officers had not at this time equal experience, generally speaking, with the officers of the French navy; and he did it for this reason: it required some explanation, because the noble Lord put it forth as if some aspersion had been cast by him (the Earl of Hardwicke) on his brother officers. He did it for this reason—that the French navy had no more officers than were necessary to command their ships, and to carry on service on shore; therefore, they came into service a-float in rotation. Look at our navy: an order in council obliged the officers to serve six years, and, therefore, the officers of a certain standing in the service, who would be the officers in time of war (for the old officers of the past war were past the service), had not the experience of the French officers.

Viscount *Melbourne* continued.—That was what he (Viscount Melbourne) had said, that the officers of the navy had not the experience of the French officers; and the noble Earl went on and attacked the spirit of those officers, and stated that from the inferiority of their means, they could not enter without apprehensions of the result upon the services which they were called upon to perform. He did not believe, that there was any fear on their part; he believed that there was that sanguine confidence in them which had always distinguished the service, and which would carry them through. The noble Lord had attacked also the patriotic zeal of the service, and had stated that the officers would be unwilling to come forward in time of war, under the present Government to serve their country, if that country should call on them for their services. The noble Lord had said, that on account of the manner in which his noble Friend had dispensed the patronage of the service he had discouraged the whole of it, and had filled that service with a different feeling from that which had before prevailed in it, and he had adverted to the circumstance of the late appointment to the governorship of Greenwich Hospital. For that appointment he begged leave to say he was as much responsible as his noble Friend, perhaps more so, and from all he could learn of the state of the navy —he did not wish to say anything disrespectful of the comparative merits of the services of officers, but he did not believe, that any individual had a greater claim to a disposeable preferment than the person who was appointed; but at the same time however that might be, however his noble Friend might have dispensed the patronage of the navy, however he might have acted, he did not believe, whatever feeling might prevail, or whatever dissatisfaction might be felt, that in case of difficulty or danger it would have any effect whatever on the feeling and spirit of the officers of that profession. And with respect to their not feeling confidence in themselves — with respect to their not feeling that superiority over the enemy which they had always felt, perhaps the noble Lord might so feel, but he did hope, that the general feeling of the navy would be that which it always had been, and that their spirit and courage would never be found wanting on any occasion on which they might be called on to act. The noble Earl had declared that he had not taken up this matter as a party question, but he could not think that the noble Earl had argued the question as if it were not a party question—he could not think that the noble Earl had spoken on it with impartiality. He admitted thati was a question of great importance and well worthy the attention of the House and the attention of the Government at all times, and though he could not participate in the apprehensions of the noble Earl, and though he could not think that there was a greater call now for military exertions on the part of this country than there had been in late years, yet he certainly thought that the state of the navy ought to receive attention as well as the state of the naval forces of the other powers; he certainly thought that we were bound to keep up our resources in time of peace on such a footing as might enable us to use them most effectually and most beneficially in time of war, and he should always be glad, and he was sure that his noble Friend, at the head of the Admiralty, would always be ready, to receive advice upon this subject; yet he could not but think that that advice might be tendered in less of a party spirit, and with a greater infusion of patriotism, than had been displayed in that evening's debate.

The Earl of *Hardwicke* said that what the noble Viscount had said seemed very like an endeavour to throw upon him the imputation of having made remarks which must render him odious to his brother officers. [" *No, no!*"] It was, certainly, very much like it. The noble Viscount had misunderstood him. What he had said was, that he did not think that when the patronage was bestowed as it had been bestowed of late in the navy, officers of the navy could be so favourably disposed as they ought to be to the Ministers of the Crown. He had thrown no aspersions on his brother officers.

The Duke of *Wellington:* The noble Earl at the head of the Admiralty had said, very truly, that the proper time for discussing this subject, in order to ascertain whether the fleet was equal to all the services which might be required of it, was after these papers had been laid on the Table, but he must say, that this was not the only question which their Lordships were called upon to consider on this occasion. They must look a little at the state of the services which had been required of the navy for the three or four last years, and see how those services had been performed. That was the real question, and it was an answer, in a great degree, not only to the observations of the noble Earl, but to those of the noble Viscount also. The noble Viscount had thought proper to refer to what had fallen from his noble Friend (the Earl of Hardwicke), and to draw their attention to the state of Europe and of the world during the years 1827, 1828, 1829, and 1830. Now, he had always understood, that the navy, in those years, was fully equal to the performance of all the services required of it; he had never heard of any want of ships in any part of the world, during that period—he never heard that the navy then was smaller or less efficient than it ought to have been—indeed so efficient was it, that he believed the first thing which the noble Lords who succeeded to the Government in 1830 did, was to make a very large reduction in the navy. Therefore, that the noble Viscount should compare the state of things as existing in the years 1827, 1828, 1829, 1830, with the state of things as they were now, or as they had been for the last two or three years, did appear to him, begging the noble Lord's pardon, to be one of the most ridiculous things which he had ever heard in their Lordships' House. He was not aware, that there were any apprehensions of war in the year 1828 or 1829. The fleets of the three principal naval powers of Europe were at that time co-operating in the Mediterranean, and he had never heard at that time, that there was the smallest notion of our going to war, or that the fleets of this country were not sufficient for all the services which were required of them. But the state of things for the last three or four years, had been entirely different. In the month of December, 1837, the noble Lord opposite had come down with a message from the Crown, to inform Parliament of the revolt of an important portion of his Majesty's dominions in North America. He had taken the liberty of giving a bit of advice to the noble Viscount at the moment, he had entreated the noble Viscount not to consider the war he was then engaging in as a little war. He had recommended to the noble Viscount, to form his fleets and armies on such a scale as might be worthy of a great country, and in such a manner as might enable them to perform the services which might be required of them for the protection of commerce, in order to prevent insults to the British flag, and to preserve British subjects from the consequences of illegally and improperly established blockades, and, in short, that they should be able to perform all the services which, under the Government of 1828, 1829, and 1830, they had performed, and performed without either complaint, reproach, misfortune, disaster, or disgrace. But what had been the facts? First of all he said, that the service was neglected in North America, and that at that moment, that was to say, more than three years after the period when that revolt was announced to their Lordships, the noble Viscount was not nearer to the settlement of the affair, as far as military means were concerned, than he was three months after it commenced. What was the cause of this? Because the Government had neglected to provide means, or to call upon Parliament to provide means, (besides those necessary for the settlement of that affair), for enabling the fleet and the army to perform the services, which it was their duty to perform, and the proof of this was, that they were obliged to call away ships to perform those services from the Gulf of Mexico, notwithstanding the necessity of attending to Buenos Ayres, and the necessity of attending to other parts of the world, at the same time that they ought to have had large fleets and armies on the coast of North America, in order not only by military force to put down the revolt in her Majesty's dominions, but to give by those means that political and moral support, to the governors and officers employed in those colonies, and to those who were engaged in political services in other places, which all in such situations ought to have given them in every part of her Majesty's dominions. He said, that if they had had in 1837 and 1838, such a fleet and army as they ought to have had, he should not have felt under the necessity of addressing their Lordships, and this contest in North America would not have been now, in the year 1840, unsettled and impending over us. Their Lordships would recollect, that at the same time that we went to war in North America, we were at war in Central Asia, and most particularly we were carrying on a maritime war—we were at war in the Persian Gulf. The Admiral of the Indian station was himself in the Persian Gulf with the greatest part of his squadron, carrying on operations at the very moment that those affairs were in discussion in China, which ended in that outrage and disgrace which occurred, he believed, in March last. The admiral, when that happened, too, was engaged in the Persian Gulf, instead of being, as he ought to have been, in the Canton river. Their Lordships had now under their consideration, the accounts of the transactions which had taken place in the Canton river up to September, or October, or November, he did not recollect which, that is to say they had the accounts up to seven months after these events occurred, which were known in this country in July or August, and yet still there was in the Canton river only one frigate, which was unable to do anything, and even since the arrival of this frigate another insult had been offered to her Majesty's superintendent there. This was what the noble Viscount called peace. He thought that it must have been perfectly well known to the noble Lord, and perfectly well known to her Majesty's superintendent at Canton, long before March last, that this opium question was hanging over them, and must come to a decision; the superintendent must have given notice of this to the authorities of India, and among others to the admiral of the station; and he must say, that if the admiral had got notice, he ought to have gone to Canton, and suspended his operations in the Persian Gulf. Now, the noble Earl at the head of the Admiralty must know that a fleet cannot go in a few days to the Canton river from the Persian Gulf. [Viscount *Melbourne.*—That's our case.] The Government ought to have provided such a squadron in Asia as might have been able to have performed the peace services which her Majesty's subjects might have occasion to demand from them, not only there, but in other parts of the Indian command. But no such thing was done; the Government had not the means of doing it; they had not called upon Parliament to provide such means; and therefore it was that we had suffered this disgrace, and this loss that we had suffered, he might say, this serious misfortune, loss, and disgrace, in the Canton river. This was the case of a great nation carrying on a little war, and thinking that they could put an end to a little war by insufficient means, without considering that so great a nation as we were had connexions everywhere in the inhabited globe; that every part of the world was visited by the subjects of the British Crown, and that everywhere they had interests at stake, and without considering that when we get into war in Central Asia or in North America, questions will arise everywhere, and that therefore the Government ought to be prepared to support the peace services at least in every part of the world. His remarks might be called faction. If after having said this, three years ago, he had manifested in the interim any disposition to withhold his assistance from her Majesty's Government, either in the way of vote or of advice, or in any other way in which he thought he could lend them or the public his assistance, he would allow that it might be imputed to him that he was factious; but, he never said anything with that view; he wished in what he said to be of use to the noble Lords opposite if he could; and he only adverted to the subject because the noble Viscount for the purpose of taunting his noble Friend (the Earl of Hardwicke) thought proper to draw a comparison between the period in which he was at the head of the Government and the present, whereas there was no more comparison between those times and these than there was between the year 1840 and the year 1740. With respect to the noble Viscount's remarks on his noble Friend's speech, he believed his noble Friend had been entirely misunderstood by the noble Viscount, and especially with respect to what his noble Friend had said of the experience of the officers of the navy, and his explanation on that point must, he thought, be satisfactory to their Lordships. His noble Friend had stated that there were not means of instruction and practice for officers of high rank in the service; and that the officers of our navy, not having at present those opportunities of practice, and of seeing the manœuvring of fleets in large bodies, which the naval officers of other countries had, could not have so much experience as the officers of other fleets, and that therefore they could not have the same confidence in themselves, and that particularly the French officers, from the great number of ships in proportion to officers, always had opportunities of practice. That was what he understood his noble Friend to say. By no means could his noble Friend have stated that there was among naval officers a want of confidence in themselves, and a want of confidence in those over whom they were placed. For his part, he always had felt, and then felt, the fullest and highest respect and confidence in gentlemen of that profession; he had always attempted to emulate their services in the services which he himself had been called on to perform, and he was sure that he had been desirous to emulate them in nothing more than in placing confidence, not only in officers of his own rank, but in the troops which were placed under his command. It was impossible for him to enter into all the details adverted to by the different noble Lords who had spoken on the present occasion, but he was bound to say, having sat upon the naval commission, together with the noble Lord at the head of the Admiralty and other officers of the navy, that no men could have taken more pains than they did to adopt every measure which could be suggested with the view of improving the service, to render the old officers more desirous of continuing in it, and to engage in it as much activity and ability as possible. He should not have discharged his duty if he had not made this statement, and he had no doubt that when the report of that commission was laid before the public, his observations would be found to be fully borne out. He believed that the result of that commission would be to render the service more efficient. With respect to one topic alluded to by his noble Friend, and by the noble Viscount opposite, it was impossible for him to give an opinion. It appeared to him quite legitimate, in a discussion like the present, if a noble Lord thought that the Government patronage had not been fairly distributed, that he should declare his opinion to that effect. He had never heard a discussion of this kind in which such a topic had been introduced. As for himself, he had never turned his mind much to such points, and was not able to express any opinion on them. He knew it was a subject on which the minds of men were naturally jealous; and he did not think his noble Friend was justly liable to the charge of converting the present question into a party question, because he had thought proper to allude to that subject. He did not approve of these imputations of factious motives. It was his opinion, and he stated it again, that the noble Lords opposite had terribly neglected the Chinese affair; and this country, he feared, would have reason to regret that it had been so neglected. It was now eleven months since the transactions alluded to first occurred, and not one ship had yet been sent from this country to that part of the world. This did not look like capacity for the performance of those duties which the occurrences in that part of the world rendered necessary.

The Earl of *Aberdeen* said, the noble Lord opposite, in alluding to the supposed dangers of the country in 1829 and 1830, had mentioned the French expedition to Algiers, undertaken, as that noble Lord represented, in spite of the representations and remonstrances of the noble Duke; and the noble Lord also stated, that the possession of that territory now constituted a source of danger and apprehension to the country. The noble Lord was quite mistaken in his facts. The noble Duke made no representation or remonstrance against that expedition—none whatever. The noble Duke did that which was better. He obtained a pledge from the French government, that if they succeeded in that expedition they should derive from it no advantage which should not be shared by the rest of Europe, and that no settlement should be made in that territory by France without the concurrence of her allies. If that pledge had not been given, that expedition, the noble Lords might be assured, would never have taken place; and, let him add too, that that pledge would have been fulfilled to the noble Duke. But the French government now knew with whom they had to deal. They knew that they might safely trust either to the indifference or apprehensions of the Government opposite.

The Earl of *Minto* said, that the noble Lord had thought proper to attack him for a misapplication of patronage, and had given, as an instance, the appointment of Admiral Fleming to Greenwich Hospital. That appointment was not exactly within his department, but he was not disposed to flinch from any responsibility attaching to it. He thought Admiral Fleming well worthy to hold the office. He challenged the noble Lord to enter into an investigation as to the manner in which he had distributed patronage. When the noble Lord spoke of the abuse of patronage, he did not know what was coming. He thought the House was doomed to hear the Plumridge case again. He only wished that when the noble Lord thought he had got a fair case against him for abuse of patronage, he would state it. The noble Lord said, that there was a deficiency of skill among our officers, in consequence of their number and the few opportunities that occurred of employing them, and that the French officers displayed more ability. He denied that this was the case. The discipline and skill of our naval officers formed the wonder and astonishment of the French officers on board vessels lying along side. He could not lose the present opportunity of bearing testimony to the great skill and ability displayed in every department of the British naval service. He should certainly wish that the number of officers not capable of being employed was not so great; but still he must say, that, when after a temporary retirement they returned to the service, they retained all the skill for which British naval officers were so distinguished.

Lord *Ellenborough* inquired whether it were true, as had been frequently reported, that Admiral Fleming had never been engaged with the enemy? He asked the question, because it appeared to him that to entitle an officer to the highest situation of emolument and honour, it was essential that he should be distinguished.

The Earl of *Minto* did not know how often Admiral Fleming had been engaged with the enemy, if at all. He believed that Admiral Fleming had been in action, but should be sorry to pledge himself to the statement. This he knew, that Admiral Fleming had from his youth seen service of the most active kind. He was distinguished for his skill and intelligence, and very few officers in the navy had discharged more arduous and useful duties than Admiral Fleming.

Lord *Ellenborough*: As the noble Lord does not know whether Admiral Fleming, now promoted to a high situation of honour and emolument, was ever in an engagement, I take for granted that the noble Viscount opposite made inquiries respecting the merits of this officer before he appointed him to an office for which, no doubt, many distinguished officers competed. I therefore now ask the noble Viscount to state whether this officer was ever engaged with the enemy.

Viscount *Melbourne:* I do not know. Taking into consideration Admiral Fleming's general services, we thought him worthy of the situation he now holds. I beg the House to recollect that many distinguished officers have never been in action. ["*Name.*"] I do not like to mention names, because I might be wrong with respect to them; but of the fact I am confident. Besides, fighting is not the only business of a sailor, nor of a soldier either.

Lord *Ellenborough:* That may be true; but fighting, and fighting with distinction, is that which entitles officers to places of honour and emolument.

Viscount *Melbourne:* I do not think so.

Lord *Colchester* believed the real facts to be, that Admiral Fleming did command the Egyptienne frigate in Sir R. Calder's action, but that he never commanded a ship of the line in any general engagement, or any frigate in a single action with the enemy. There were in the Navy List nine admirals above him, who had been engaged in actions with honour and distinction. He begged to say, that if Admiral Fleming had been put in active command of a fleet, not a word would have been said against such an appointment. As to the latter part of the motion, with respect to the number of ships ordered to be built, he should omit it.

The rest of the returns were ordered.

HOUSE OF COMMONS,

Thursday, February 6, 1840.

Minutes.] Bills. Read a first time:—Sale of Beer; Colonial Passengers.

Petitions presented. By Messrs. G. Evans, O'Connell, and S. O'Brien, from a number of places, for Extension of the Franchise, and Corporate Reform for Ireland.—By Earl Jermyn, and Colonel Rushbrooke, from several places, against any further Grant to Maynooth College. —By Sir R. H. Inglis, Mr. Pakington, and Lord Granville Somerset, from a number of places, for Increased Church Accommodation.—By Mr. Wallace, from a great number of Carriers, against the Monopoly of Railroad Companies.—By Sir G. Sinclair, and Mr. F. Maule, from places in Scotland, against Intruding Ministers into Parishes.—By Messrs. Alston, and Hume, from two places, for the Release of John Thorogood, and for the Abolition of Church Rates.

Hill Coolies.] Sir *J. Graham* wished to put a question to the noble Secretary for the Colonies respecting the Hill Coolies. He understood the noble Lord on a former night to declare that her Majesty's Government had come to a determination to renounce the resolution to which they had formerly come, respecting the deportation of Hill Coolies from the continent of India to the West Indies under contract of low wages for labour, which they were to perform on their arrival in those colonies. He understood the noble Lord to say that such a change of decision was only contemplated, and that it had not yet been made. He likewise understood the noble Lord to say that the Government wished to have a discussion on the subject in that House before they made that change. He now wished to be informed of the time and occasion when her Majesty's Ministers would be prepared to explain the reasons for this contemplated change of policy. He likewise wished to know whether it were the intention of Ministers to extend their change of policy to the Hill Coolies to be transported to the West Indies, or to limit it only to those transported to the Mauritius. If the noble Lord would take a suggestion from him, he would suggest that a motion for leave to bring in a bill to carry his plan into execution, would afford the best opportunity for discussing the policy and tendency of the measure to be adopted for the emigration of the Hill Coolies.

Lord *J. Russell* was understood to intimate that all he had said on a former occasion was, that he wished to have the opinion of Parliament on the policy of the measure he intended to adopt. He believed that that measure might be accomplished without the assistance of Parliament. At the same time he was inclined to agree with the right hon. Baronet, that the best mode, perhaps, of taking the sense of Parliament on the question, would be to introduce a bill on the subject. It certainly was a very material change, and he should be very glad to ascertain the opinion of Parliament as to its expediency. He would, therefore, take into his consideration the suggestion of the right hon. Baronet. In the mean time he would say that no further steps would be taken by Government until Parliament had decided whether they ought to be taken or not. He did not know whether the right hon. Baronet was aware that what he had stated on a former night had reference to the Mauritius alone.

PENNY POSTAGE.] Sir *C. Knightley:* Seeing the Chancellor of the Exchequer in his place, I wish to ask him whether he is aware that a person, who is in the habit of receiving annually large sums out of the Post-office, has recently been informed that he will no longer receive them from that department, but must get a warrant for them from the Stamp-office, as the Post-office is no longer able to pay its own expenses?

The *Chancellor of the Exchequer:* I have not heard of any such statement; and I think, that if such a circumstance had occurred, I must have been made acquainted with it.

Sir *C. Knightley:* I have not done with the right hon. Gentleman. I have another question to ask him. Is there any chance of his making fresh regulations for the management of the Post-office? I will tell the right hon. Gentleman why I ask that question. On the 18th of January last, the porter of the Carlton Club—[*Laughter*] Why should hon. Gentleman laugh? The Carlton Club is surely as respectable as the Reform Club. Well, on the 18th of January last, the porter of the Carlton Club went at twenty-five minutes to six o'clock with the letters of that club to the receiving-house at Charing-cross. There was such a crowd before it that he could not get with his letters to the window, so he went round to the door of the house. He was told that they did not take in letters there, and was in consequence obliged to try the window again. Whilst looking about him, he saw the porter of the Athenæum close to the window, and he asked him to take his letters, mentioning their number and the money due for them. [*Confusion in the House.*] The man at the Post-office window, seeing this done by our porter, swore and cursed at him, and used very abusive language. I will now tell the House what happened to myself on Monday last. [" *Order,*" *from various parts of the House.*]

The *Speaker* said, there was no question before the House, and that he was, therefore, out of order, when

Sir *C. Knightley* proceeded—I wish to ask the Chancellor of the Exchequer whether he intends to make any alteration in the regulations of the Post-office? And for this reason:—On Monday last, I put a letter into the Post office myself, and I put in another on Tuesday last. I have no doubt, therefore, that the letters were put into the Post-office. I have this day heard that neither the letter which I put into the post on Monday, nor that which I put into it on Tuesday, has yet been received. Another question which I have to ask relates to a money letter, which was sent up to London from the country. For several days the letter and the remittance were lost, but at last it was found that the letter-carrier had stolen the letter.

I want to know whether the Chancellor of the Exchequer's new regulations had any hand in this?

The *Chancellor of the Exchequer:* If the hon. Baronet, instead of bringing his charges against the Post-office in a way in which the forms of the House almost preclude me from giving any answer to them, will have the goodness to put them down in writing, particularizing, at the same time, names, dates, and places, and will give me time to make the necessary inquiry into the correctness of those charges, he will find every inclination on my part to procure him satisfaction. If any officer, either in the Post-office or in any other public department of the Government over which I have control, shall have been guilty of such conduct as the hon. Baronet has mentioned, I can assure him that from me at least that officer shall receive no encouragement. At the same time I must tell the hon. Baronet, that it is not fair that these accusations should be made without notice, as under such circumstances neither the Government nor its officers have the means of entering on their defence.

Mr. *Barneby* claimed for a short time the attention of the Chancellor of the Exchequer. He had that morning received a letter from one of his constituents, stating that about fourteen days ago he transmitted the sum of 75*l.* to one of his correspondents in a letter through the Post-office, and that he had since discovered that both the money and the letter had been lost. His correspondent had also been informed that a friend of his at Dudley had lost 60*l.* in a similar manner. He had made communication of these circumstances to the authorities of the Post-office, and he believed that they were now undergoing inquiry there. The question which he had to ask was, whether it was the intention of Government to check as much as possible the transmission of money letters through the Post-office?

The *Chancellor of the Exchequer* thought it advisable that parties should not transmit large sums of money through the Post-office, as it was impossible to guarantee entire security for such sums in the large number of letters now delivered. Small sums, however, might be transmitted through the post in perfect safety by an order from one post-office upon another.

Mr. *Goulburn* suggested that a branch office should be formed for the purpose of transmitting money letters and money orders, and that in this office a system of registration should be adopted. Such an office would be a great advantage to the public.

Mr. *Barneby:* Am I, then, to understand that it is not the intention of the Government to resume the system of registration of money letters which formerly prevailed?

The *Chancellor of the Exchequer:* There never was any system of registration for money letters. Letters supposed to contain sovereigns had been placed apart; but there never was a regular system of registration. Considering the multitude of letters which now pass through the Post-office, it was impossible, from the loss of time it would occasion, to establish a system of registration. Indeed, he had felt it to be his duty to advise the authorities of the Post-office to issue a caution against transmitting money letters through the Post-office.

Subject dropped.

Privilege — Stockdale *v.* Hansard.—Mr. Howard.] The Sergeant-at Arms announced that Thomas Burton Howard was in custody.

The *Speaker* ordered him to be brought to the bar.

Mr. Howard then appeared at the bar in the custody of the sergeant-at-arms.

The *Speaker*—Thomas Burton Howard, the House has been informed that on the 24th of February a writ of summons was served on the Messrs. Hansard, commanding them to enter an appearance within eight days of the receipt of the writ in the Court of Queen's Bench, in an action at the suit of John Joseph Stockdale. They were also informed that your name was endorsed on the writ. Are you the attorney in the action?

Mr. Howard—I am.

What is the cause of action?—A subsequent publication of a libel.

The *Speaker*—Was that libel contained in a report published by the authority of this House?—It was.

Did you receive instructions from Mr. Stockdale to commence that action against the Messrs. Hansard?—I did.

Mr. *Hume*—In what publication of this House was the libel contained?

Mr. Howard—It was a report of the inspectors of prisons.

The same as before?—The same as before.

Mr. Howard was ordered to withdraw.

The short-hand writer having read over his notes of the examination,

Lord *J. Russell* said, that the motion he had to make arose directly from the examination of Mr. Howard at the bar. The motion he had to propose to the House was to the following effect:—

> "That Thomas Burton Howard, having served a writ of summons upon Messrs. Hansards, the printers of that House, for the purpose of causing them to appear to an action in the Court of Queen's Bench, which he had brought at the instance of John Joseph Stockdale, against them for a libel which they had published in the papers printed for the House, had been guilty of a high contempt of the privileges of that House."

Mr. *Hume* did not wish to offer any objections to the motion of the noble Lord, but he begged to suggest whether it would not be proper to send for Mr. Stockdale, for the purpose of asking him whether he had given the instructions to Mr. Howard.

Sir *R. Inglis* did not believe that a single instance existed of a prisoner being brought up to the bar for the purpose of convicting another person and himself too. He objected to the motion of the noble Lord, looking at the course which the House had pursued, when the second action was brought, namely, that of instructing the Attorney-general to appear. He stated yesterday that he did not question the right of the House to summon Mr. Howard to the bar, because it would be impossible to carry on any private bill without the House had that power; but he did deny the right of the House to exercise the power of summoning parties to their bar for the purpose of inflicting punishment upon them. They were called on to take another step, from which the House could with propriety desist. He hoped, therefore, that the House would not further involve itself, and that Mr. Howard would be discharged.

Lord *J. Russell* moved that the admonition of the Speaker to Mr. Howard, on the former occasion, be read; which was accordingly done by the clerk.

Sir *E. Sugden* would move as an amendment, that Mr. Howard be brought to the bar to-morrow. He did so for this reason, that the adjourned debate on the case of the sheriffs would come on to-morrow, and the decision on their case might influence that of Mr. Howard.

The *Attorney-General* said, it was not for him at all to anticipate what might be the decision of the House on the case of the sheriffs. The House might think there were circumstances in their case which should mitigate their punishment. But the House was then considering what should be done with Mr. Howard. And when it was recollected that, after the admonition of the Speaker, which had just been read, and which had been ordered, *nemine contradicente*, to be entered on the journals, and after the professed regret of Mr. Howard for having incurred the displeasure of that House, Mr. Howard had instantly commenced another action; he trusted the House would not hesitate to commit him at once to Newgate. That seemed to him the only course open to them for the maintainance of their privileges.

Mr. *Shaw* thought the course recommended by the Attorney-general was very severe, and he agreed with his hon. Friend that the matter had better stand over until to-morrow night, which he thought would be the more consistent course. He certainly thought the House possessed the power of publishing its proceedings, but he could not concur with the resolutions which decreed that every other court which presumed to decide on such questions was guilty of a breach of privilege. He thought the House was right in its original course of giving instruction to its servant to plead to the action, and he thought the further they departed from that course the greater would be the difficulties in which they would be involved. He would go as far as any one in maintaining the just privileges of the House, but he believed they would be best maintained by not stretching them beyond their just limits. He thought the proper course would have been, to have brought a writ of error, and then, if they had failed, which he was disposed to think they would not, they could have adopted the motion of his hon. Friend respecting legislation, which would not fail of its proper effect. If all other means had been tried and had failed, then he was ready to admit the present was the only course to be pursued. He entreated the noble Lord to let the result of the debate of the following day be ascertained before he proceeded in his motion.

Mr. *Warburton* observed, that the question was not whether the House was or was not to punish any individual for having committed a breach of its privileges, but whether Mr. Howard should be committed to Newgate for having been guilty of a high contempt towards that House. There could be no question that the House was the sole judge of its own privileges. This view of the subject was sanctioned by the proceedings of the Congress of the United States, and by the solemn decision of the Supreme Court of Judicature there, as would be found on reference to the 6th volume of Wheatson's Reports of Appeal Cases to the Supreme Courts. The Attorney-general of the United States had stated it to be his opinion, and the Supreme Court had upheld that opinion, that the Congress was the sole judge of its own privileges, and that these privileges did not admit of a contest in any other place. The opinion of the Attorney-general was, " that a legislative body was of necessity possessed of the power of committal, and that it was also possessed of the power of judging of its own privileges, and how far those privileges had been violated; and, also, that no other person could in any case presume to judge of them." This opinion, elicited in the case of Anderton against Dunn, was sufficient to prove, that the United States took an enlarged view of the privileges attached to Congress, and it also proved that there were not those fears entertained with respect to a democratic body amongst a republican people, which had been so broadly put forth in reference to the present case.

Mr. *Goulburn* observed, that if the House of Commons could not stand upon its own authority, it could derive no asssistance from the Congress of the United States. For his part he was not of opinion that the amendment ought to be pressed, and for that reason he would vote with the noble Lord opposite. Mr. Howard had already been summoned to the bar of that House, and he had been warned that the course he had taken was opposed to the privileges of the House; nor did he think that because there was a discussion upon the same subject pending before the House, the present motion ought to be delayed for one hour. He should, therefore, vote for the proposal of the noble Lord.

The House divided on the original motion:—Ayes 147; Noes 45:—Majority 102.

Lord *J. Russell* then moved, that "Mr. T. B. Howard, having been guilty of a high contempt and breach of the privileges of the House, be, for the said offence, committed to her Majesty's gaol of Newgate; and that Mr. Speaker do issue his warrants accordingly."

Mr. *Jones* hoped that the sheriffs would continue to do their duty, and that in pursuance of the line they had adopted, they would let Mr. Howard out of Newgate as soon as he was sent there.

Mr. *D'Israeli* wanted to know why Mr. Howard was sent to Newgate, whilst Mr. Stockdale was merely confined within the precincts of the House?

Lord *J. Russell* replied, that the reason for retaining Mr. Stockdale in the custody of the Sergeant was founded on the possibility that a writ of *habeas corpus* might be issued, which would render it necessary for the prisoner to be brought up before the proper authorities. This, in fact, had occurred, and it was deemed expedient that the officer of the House was more competent to retain the custody of the person under the orders of Mr. Speaker, than the other ordinary functionaries were. The case of *habeas* having been decided in favour of the power of the House, Mr. Howard might be sent to Newgate without any inconvenience; and, so far from desiring to establish any difference between Mr. Howard and his principal, Mr. Stockdale, he was ready to move, on the next sitting of the House, " that Mr. Stockdale be committed, on the Speaker's warrant, to Newgate."

Sir *E. Sugden* expressed a wish that the proceedings, in the present case, had not been so distinctly marked by party feeling as they had been. He distinctly said party feeling—nor did he allude to the noble Lord opposite—but to the hon. Members on his side, who had cheered the noble Lord's announcement of his intention to commit Mr. Stockdale to Newgate. Let the punishment due to the offenders in this case be administered, but let not the House exult over the victims of its privileges. He hoped the subject would be renewed on the following day with becoming temper. In the mean time, he would offer a decided negative to the motion of the noble Lord.

The House again divided—Ayes 149; Noes 46:—Majority 103.

List of the AYES.

Aglionby, Major
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baker, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Benett, J.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blennerhassett, A.
Bodkin, J.
Bolling, W.
Bowes, J.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Campbell, Sir J.
Cantilupe, Lord
Chapman, Sir M.
Chichester, J. P. B.
Clay, W.
Clerk, Sir G.
Colquhoun, J. C.
Compton, H. C.
Currie, R.
Dalmeny, Lord
Dennistoun, J.
Divett, E.
Douglas, Sir C. E.
Duff, J.
Dundas, F.
Du Pré, G.
Elliot, hon. J. E.
Ellice, E.
Evans, Sir De L.
Evans, W.
Fielden, W.
Fenton, J.
Finch, F.
Fitzalan, Lord
Fleetwood, Sir P.
Fremantle, Sir T.
French, F.
Gillon, W. D.
Gordon, R.
Gore, O. J. R.
Goulburn, H.
Graham, Sir J.
Greig, D.
Grey, Sir C.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Hardinge, Sir H.
Hastie, A.
Hawes, B.
Heathcote, J.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Horsman, E.
Howard, F. J.
Howick, Lord Vis.
Hughes, W. B.
Hume, J.
Hutt, F.
Irving, J.
Jenkins, Sir R.
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Lascelles, W. S.
Loch, J.
Lockhart, A. M.
Lowther, J. H.
Lushington, C.
Macaulay, T. B.
Mackenzie, W. F.
Macleod, R.
Maule, hon. F.
Milnes, R. M.
Morpeth, Lord
Morris, D.
Muntz, G. F.
Murray, A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, M. J.
O'Conor Don
Oswald, J.
Palmerston, Lord
Parker, J.
Patten, J. W.
Pattison, J.
Peel, Sir R.
Pigot, D. R.
Planta, J.
Power, J.
Protheroe, E.
Redington, T. N.
Reid, Sir J. R.
Roche, W.
Russell, Lord J.
Rutherford, A.
Salwey, Colonel
Sanford, E. A.
Seale, Sir J. H.
Seymour, Lord
Sheppard, T.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R.
Staunton, Sir G.
Stuart, Lord J.
Stuart, W. P.
Stock, Dr
Strickland, Sir G.
Surrey, Earl of
Tufnell, H.
Vigors, N. A.
Vivian, J. H.
Vivian, Sir R. H.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilde, Sergeant
Williams, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Young, J.

TELLERS.
Stanley, E. J.
Steuart, R.

List of the NOES.

Alsager, Captain
Barneby, J.
Boldero, H. G.
Broadley, H.
Bruges, W. H. L.
Conolly, E.
Darby, G.
Dowdeswell, W.
Duncombe, T.
Duncombe, W.
Duncombe, A.
Eaton, R. J.
Eliot, Lord
Filmer, Sir E.
Fitzroy, H.
Gladstone, W. E.
Halford, H.
Hamilton, Lord C.
Hogg, J. W.
Hope, G. W.
Inglis Sir R. H.
Jackson, Serg.
Jones, J.
Lincoln, Earl of
Litton, E.
Lygon, Gen.
Mahon, Lord
Norreys, Lord
Packe, C. W.
Pakington, J. S.
Pigot, R.
Polhill, F.
Praed, W. T.
Richards, R.
Rolleston, L.
Rushbrooke, Colonel
Shaw, F.
Shirley, E. J.
Sturt, H. C.
Sugden, Sir E.
Tennent, J. E.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Walsh, Sir J.
Williams, R.
Wood, Col. T.

TELLERS.
Kelly, F.
D'Israeli, B.

Speaker to issue his warrant for the committal of Mr. Howard to Newgate.

The first division was composed so almost exclusively of the same persons as the second, that it is unnecessary to repeat the names on the first division.

STAGE COACHES—(IRELAND).] Mr. *E. Tennent* moved for leave to bring in a bill to regulate the stage coaches running in Ireland.

Viscount *Morpeth* intimated that the Government had no objection to this measure, and had intended to bring in a bill on the same subject.

Mr. *Hume* observed, that the hon. Member opposite had not offered a syllable in explanation on behalf of his bill. The Secretary to the Irish Government had expressed his readiness to bring in a bill on the same subject, and why should not the measure of the hon. Member be handed over to the noble Lord, in order that the matter should receive due attention? He decidedly objected to the proceeding.

Sir *R. Peel* said, that the subject was a very complicated one, but he saw no reason why his hon. Friend should not have leave to introduce his bill. The present was the third occasion in which the Ministers had, by their own avowals, been anticipated in their own measures, and he would only express a hope that his hon. Friend would continue in the same course.

Leave given.

THANKS TO THE INDIAN ARMY.] Sir *John Hobhouse* then rose and said: In pursuance of the notice which I placed on the Table of this House on a very early day of the present Session, I rise to move a vote of thanks to the Governor-General of India, and the officers and men of the army of the Indus, for the military operations which have recently taken place to the westward of the Indus. In doing this I only follow the practice which has uniformly prevailed, almost ever since the very commencement of the British empire in India—from the moment that the thanks of this House were reluctantly wrung from those who doubted the expediency of the great exploits performed by Lord Clive, in the foundation of our empire in India, almost up to the present day. Lord Cornwallis in the year 1792; the Marquess Wellesley in the year 1799, and again in the year 1804; Lord Minto in the year 1812, and the Marquess of Hastings in the years 1817 and 1819, received, as Governors-general of India, the thanks of this House. On two of the occasions—and those the best known—which I have just now mentioned, the thanks of Parliament were confined to the military arrangements and operations; and the policy and origin of the wars were studiously kept out of view by those who, being placed in the position which I now fill, proposed those thanks. Such was the case in 1804, when Lord Castlereagh proposed a vote of thanks to the Marquess Wellesley; and such also was the course adopted when Mr. Canning proposed a vote of thanks to the Marquess of Hastings. I take the liberty of following these examples, and in what I am about to address to the House, I shall expressly keep out of view the policy, the cause, and the origin of the war; and I shall confine myself to the military operations and arrangements made by the Governor-General, and carried into effect by the army of the Indus. I hold this to be the expedient course to pursue, for the policy was our own—it was that of the Government, and we are responsible for it; and if that policy is questioned it is for us to defend it, and we are prepared to do so; and it would be unfair to the brave men to whom I have just alluded, to mix up any explanation or defence of the policy of our proceedings, with a statement of their exploits. Her Majesty, immediately on receiving intelligence of the late successes of the army of the Indus, and of the fall of Ghuznee, and of the entrance of the army into Cabool, honoured me with her gracious commands, to convey her cordial approbation to the Governor-General, to Lord Keane, and to the officers and soldiers under his command, and many honours have been conferred on those who were engaged in these brilliant exploits. It was with great satisfaction also, that I saw those who were well able to appreciate the merits of this enterprise—namely, the Court of Directors and the Court of Proprietors of the East India Company, render their thanks to Lord Auckland, to Sir John Keane, and the army under his command. The other House also has passed votes of thanks to those engaged in these achievements, and it now only remains for this branch of the legislature to do its duty in this respect, and to acknowledge the merits of those, by whom they have been planned and performed. I trust, however, before I propose those votes, that I shall be pardoned if I very briefly—indeed, as briefly as the nature of the subject will admit of—describe the progress of the troops in their arduous undertaking. For the reasons which I have mentioned, when I promised the House that I would not enter into any statement with respect to the policy of these transactions, I shall merely state, that on the 10th of September, 1838, Lord Auckland proclaimed in general orders his intention to employ a force beyond the north-west frontier of India; and on the 1st of October his Lordship published his declaration of the causes and objects of the war. Early in November the Bengal troops marched from Kurnaul to Ferozepore on the Sutledge; and Shah Soojah, at the head of his levies, left Loodhiana, and joined the British army. About the same time that these forces were concentrated at Ferozepore, the Bombay troops, under the command of Sir John Keane, embarked from Bombay, and landed at Vikkur, near the mouth of the Indus, on the 30th November. In the beginning of December the forces under Shah Soojah marched from Ferozepore, and were followed by the Bengal division, under Sir Willoughby Cotton, on the 10th of December. These divisions moved in a southerly direction towards the left bank of the Indus, whilst, on the 22d of December, the Bombay army advanced northwards on the right bank of that river. The Shah arrived on the Indus and crossed it on the 17th of January, and Sir Willoughby Cotton came in sight of it about a week afterwards, but he did not cross it, for he was obliged to move the principal part of his force towards Hyderabad, the Ameers of Lower Sinde having manifested strong dispositions to obstruct the progress of the armies. Sir John Keane also advanced towards Hyderabad, and a reserve force was ordered from Bombay to occupy the stations in the rear of our advancing columns. That reserve landed at Kurrachee, after a short resistance, on the 3d of February. The Ameers of Sinde submitted, and Sir Willoughby Cotton marched his columns back towards Bukkur, at which place he arrived and crossed the river on the 14th of February. The passage of the Indus by the British army is one of those notable events that I think it right to dwell upon for a short time. I hold in my hand various statements respecting this operation, by the gallant general who commanded the forces, and by Sir Willoughby Cotton and other distinguished officers who were on the spot, and saw the proceedings. They all describe in warm terms the skill and science displayed by the engineer department, and enlarge on the bridge constructed under the superintendence of that distinguished officer Captain Thomson. At the spot where this bridge was constructed, the river Indus is divided into two channels, between which are situated the island and fort of Bukkur. The river at this spot is 700 yards in breadth, and the channel in many places is about four fathoms in depth. The passage over one of the channels is 490 yards in breadth, and the whole of the army, with the enormous train accompanying it, passed over with perfect safety. Such was the success of this undertaking, that it called forth the general admiration of all who saw it, and it reflected the highest credit on the engineers who effected it. Although the army that passed over the Indus was numerically less than many of those large bodies of troops which were employed in military enterprises during the last war, still it formed a very numerous body. It is true, that the number of troops was only about 8,000, but there was a very numerous train accompanying it, for, besides horses, there were not less than 16,000 camels with it, and this great body passed over the bridges, without the loss of a single person—not one man was lost, and not a single casualty occurred during the passage of the river. I hope the House will excuse me for reading a graphic account of this operation, the accuracy of which is fully confirmed by all the accounts that I have seen.

> "The bridge which had been constructed by Captains Thomson and Sanders, of the Bengal Engineers, was ready. It is described as a structure which does infinite credit to those distinguished officers, and whether we consider the difficulties they had to overcome, or the solidity of the bridge, it will justly entitle them to the consideration of the Court of Directors. Sir Henry Fane is reported to have said, that he had seen no such structure erected in so brief a period during the whole of his Peninsular campaign. The Bengal troops crossed the Indus upon it without a single casualty. It was a gallant sight to see brigade after brigade, with its martial music and its glittering arms, marching over file by file, horse, foot, and artillery, into a region as yet untrodden by British soldiers. The native soldiery are said to have been loud in their admiration of the arrangements which had been made for crossing the boundary of Hindostan, and to have gained additional confidence in the enterprise in which they were engaged."

From good authority I am able to state, that this is not an exaggerated account of the matter. The proceedings of the expedition were greatly assisted at this point by the judicious arrangements of one of the most able and intelligent officers that ever served in the Indian or any other army. I mean Sir Alexander Burnes. That gallant officer had negociated with the Ameer of Khyrpoor, and not only induced that prince to allow our forces to enter the fort of Bukkur, but also permit it to be garrisoned and kept by a portion of the reserve force of the British army. After the passage of the river Indus by the Bengal column, the Bombay troops advanced from the south, and took up the position which was formerly occupied by the Bengal troops. I have before stated, that the Bengal army was preceded by a small body of troops, amounting in all to about 6,000 men, under the command of the Shah Shooja-ool-Moolk. The Bengal column followed at the interval of a few days' march, and the Bombay column followed the latter about a fortnight afterwards. These three little armies, for so they might properly be called, for the whole strength of troops employed in this expedition did not exceed 21,000 men, marched into an almost unknown and untrodden country, but neglecting no means of ensuring success, and providing for a safe retreat in case of a reverse. The columns had to pass through the Bolan and other passes, where a small and determined body of men might have stopped the progress of a much larger army than that which formed this expedition. The first force, under the Shah Shooja-ool-Moolk, did not lose a single man in the passage through these formidable passes; the second column, composed of the Bengal troops, also did not lose a single man; but the third column, composed of the Bombay army, was not so fortunate, for in their passage through the Bolan pass,* some plunderers broke in on them, and made an attack on the British troops, which was attended with some loss—but this disaster might have happened under any circumstances, in a country like that which the troops had to traverse; and those plunderers, morever, were completely defeated and driven back. It took the army some time to advance through these mountains, and it was not until the second week in April, that the Bombay division of the army of the Indus had passed through them. On the 24th of April, the Shah entered Candahar, and that capital was taken possession of by the British troops on the 26th. The whole of the troops were concentrated at Candahar, on the 4th of May; and in consequence of the admirable discipline displayed in their advance and up to this period of the campaign, Sir John Keane thought it necessary to issue a general order, a copy of which I hold in my hand, commending them for their discipline, and for the courage which they had displayed. The army remained until the second week in June at Candahar, and its vicinity, and then prepared for the march to Cabool. But in the meantime the troops were not altogether idle, for a force under the command of Brigadier Sale, was detached against Gerishk, a place of great strength and importance, occupied by the Sirdars of Candahar. This place was invested and carried, and garrisoned by British troops. The army then proceeded on its march to Cabool, and in the course of it the troops were exposed to great difficulties, and had to undergo many privations; but they at length, on the 21st of July, arrived before that fortress, so celebrated in ancient Asiatic history, as the place whence former conquerors issued for the subjection of Hindostan, and now more celebrated for the brilliant triumph afforded to the British army—I mean the fort of Ghuznee. I am sure that hon. Gentlemen must be aware that this place was the cradle of one of the great Mahomedan monarchies, the founder of which overran India, and the exploits of Mahmoud, the Ghaznevide, must be familiar to the readers of Gibbon. This fortress, formidable from its natural situation, and still more so from the labour bestowed on it, was regarded by the natives as almost impregnable. One monarch attacked it with an immense force, and it was upwards of two years before he could gain possession of it. Nadir Shah was ten months besieging it before he reduced it, and Ahmed Shah the grandfather of the present Shah Shooja-ool-Moolk passed by it without venturing on a siege. This fortress, which made such resistance to former armies, was taken in two hours and a half. Such was the irresistible intrepidity of our troops. The House is aware of the gallantry displayed on this occasion by our army—of the promptitude and skill manifested by the General commanding, Sir John Keane, and of the comparatively small loss which attended this capture. I need hardly dwell on the success that attended this brilliant achievement, for it seems to have had the effect of at once breaking the power of Dost Mahomed Khan, the ruler against whom the expedition was directed, and who had fixed all his hopes on the strength of this fortress He had placed in it a garrison of 3,500 soldiers under the command of his son, Mahomed Hyder, with abundance of ammunition, and provisions. He had also got together a well-appointed force of about 13,000 men, under his eldest son, which he intended should afford aid for the relief of the place in case of necessity, and which was encamped at a few miles distant. In the fortress itself he had deposited a portion of his treasure, and he evidently felt convinced that the possession of this strong place would save him; and such might have been the result of a failure on our part, at least for a time. But immediately on the news of the fall of Ghuznee, he was deserted by the greater portion of his partisans, and was obliged to fly precipitately, with comparatively few followers, whilst the troops, at the head of which he had so lately been, hastened to offer their allegiance to his rival. The army then advanced upon Cabool, and Shah Shooja-ool-Moolk entered his long lost capital without resistance, on the seventh of August. But, besides the combinations and movements which I have described, the Governor-general deemed it advisable that an auxiliary force should advance by another route, and thus afford a diversion, and distract the attention of the enemy. This was effected by sending a body of troops from Peshawar, under the command of Colonel Wade, who was accompanied by the Shazadah Timour, the eldest son of Shah Shooja. The force was comparatively small, but it accomplished its object, took the fortress of Ali Musjid, and opened the celebrated Khyber Pass, which had never before been forced. This operation drove Mahomed Ukbar-Khan, a son of Dost Mahomed, from Jelalabad, and facilitated the advance of Colonel Wade from the eastward of Cabool to join the main army in that capital. Thus this portion of the expedition was as successful as the other divisions, and afforded important aid to the general success. But in order to show that the Governor-general and Sir John Keane, who acted under the orders of the Governor-general, had made every arrangement that the army should not be without support in the case of any reverse, I will mention the different stations in which, as the army advanced, garrisons were left. The line of the Indus was secured—one regiment was left at Kurrachee—two regiments at Tatta—at Bukkur and Shikapore, from three to four regiments—at Dadur, half a regiment—at Quetta, a brigade and a large magazine—at Gerishk, a regiment, and from two to three regiments of infantry, with cavalry and artillery, were kept at Candahar, while the remainder of the army advanced into Cabool. Thus, if any great disaster had befallen the army in defiling through the Bolan Pass, or any other of the difficult positions through which it had to pass, it would have been able to fall back on the reserves, at any of these forts. But not only provision was made by reserves of troops, but large supplies of grain and other provisions were deposited at various stations. A great number of camels were also provided to accompany the army for the conveyance of tents, utensils, and provisions, &c., and amounted at one time to not less than 27,000. I may also mention in this place, that at one period of the advance one division of the army was accompanied with not less than 30,000 camp followers. The army marched through this country almost by chart and compass, for the districts it passed through had been visited by few, except in ancient days, and were very little known. I will mention very shortly, in order to give Gentlemen some notion of the distance that was traversed by our armies, the extent of the march of each division before reaching the end of their career. The Bengal column, from the time that it left Ferozepore to its arrival at Cabool, marched not less than 1,350 miles; the Bombay column marched upwards of 1,000 miles; while the detachment—for I can hardly call it a column—under Colonel Wade, marched 680 miles, and in about nine months, all these forces in the early part of September were collected in the neighbourhood of Cabool. In order to secure the success of this expedition, we have the declaration in another place of the greatest military authority in the world, we have, I say, the authority of the Duke of Wellington, for asserting, that never was more adequate provision made for all the contingencies which could have occurred, and I will now shortly detail what the Governor-general did to support this great military movement, and to preserve our Indian possessions against attacks from other quarters. In the course of twelve months the army, European and native, was augmented to the amount of 50,000 of all arms. In order, also, to provide for the troops which had been detached from the Bengal and Bombay presidencies to form the army of the Indus, Lord Auckland ordered a number of regiments from Madras to be detached as follows. To Bombay, he ordered seven regiments of native infantry, one regiment of the Queen's troops, one regiment of native cavalry, one company of sappers and miners, one troop of horse artillery, together with some foot artillery. He also directed, that they should detach from Madras to Bengal four regiments of native infantry, and a brigade of guns. And not only did he make this provision for the expedition to the westward of the Indus, but he also provided against dangers which appeared to threaten the east of India, and ordered an additional force to be sent from Madras to Moulmein, of the Queen's 62nd regiment and a regiment of native troops. At the same time a force was collected along the Nepalese frontier, and we were thus prepared against external aggression at all parts of the Indian empire. But the attention of Lord Auckland was directed equally to those Mahratta chieftains and Rajpoot princes who had given signs of disaffection, and a body of troops was ordered to march against Maun Singh, of Joudpoor. It fortunately happened, that this individual was not hostilely disposed, but still he occupied some attention and was the cause of anxiety, and I mention this to show the claims of the Governor-general to the approbation of the House for the preparations he had made, under circumstances of no little embarrassment. It is not for me now to give an opinion of the policy of the Governor-general, but I think that I have stated sufficient to justify me in calling upon the House to come to an unanimous vote of thanks to him for the part which he took in those military arrangements. I do so, then, with confidence, and I shall pass to another resolution, about which I can have no doubt, namely, the thanks of this House to the General Commanding, and to the brave officers and soldiers who formed the army of the Indus. I am sure hon. Gentlemen have read what has been said of these soldiers by some of our fellow-countrymen of the highest authority on military subjects. I just now alluded to the great man whose opinion I quoted; and who may personally know many of the officers engaged in those operations, and is, I believe, intimately acquainted with the general who carried them into effect. Such testimony renders superfluous all comment from me, and I hope that the House will not think that I am deviating from the reservation that I made, of not alluding to the policy of these proceedings, if I refer to the results of the expedition. That result has been of such importance, as those unacquainted with Indian affairs can scarcely comprehend. In Europe the effect has been very great, and almost unexampled, for victory achieved at such distance and under such circumstances. In India it has, for the present at least, tranquillized the whole of that immense territory. It has put a stop to the intrigues of many who had been long watching for opportunities to disturb the peace of the empire. It has arrested the proceedings,—the cause of much anxiety— of the sovereign of Nepaul. It has calmed, for the present at least, the angry usurper of Ava.—The success has been as signal as it has been complete.—I shall not attempt to awaken schoolboy recollections of these famous scenes connected with the most romantic of all the exploits of the most marvellous of ancient conquerors—but I may perhaps be pardoned for reminding those who are familiar with the historian that has preserved the Journal of Nearchus, that the very stations on which the British flag is now flying, were the resting places of the great Alexander, and that, since his days, the standard of no civilized nation has been seen on the banks of the Indus. We may be allowed to dwell on this bold and brilliant achievement—and most pleasing is it, instead of the conflicts of party and struggles for political power, to be enabled to direct our attention to subjects of national interest, and to unite in doing justice to those who have upheld the honour and renown of the British empire and the British army. It has long been the proud distinction of our nation—a distinction which can only belong to a free people—to share with the Sovereign the satisfaction of showing gratitude to those who have deserved well of their country—and I feel sure, that, on this occasion, we shall appreciate the triumphs and the toils of the brave men now brought to our notice. On this occasion it is most satisfactory to me to find the warmest support from those who in politics are opposed to the party to which I belong, and to the party to which, I may say, the Governor-general of India belongs; and on this part of the subject I trust the House will excuse me for reading a short extract from a periodical publication, opposed on every other point but this to the Government:—

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* The Bolan pass to Sir-i-Khujoor is comparatively open, though commanded on each side by the mountains. At Sir-i-Khujoor, it narrows, and for ten miles runs in sharp angles, from 150 to 200 yards in length. Towards its termination, there is not more than sufficient breadth for a dozen horsemen between the rocks, which rise like walls to a great height on either side. The road is formed of loose pebbly stones and sand, like the beach of the sea. "The minutest description," Captain Conolly observes, "could hardly convey a just idea of its strength: it is a defile which a regiment of brave men could defend against an army." Sir Alexander Burnes remarks that the pass runs through the country of the Beahavees, who are masters of the fate of any army attempting to traverse it. In the rainy season, he states, it forms the channel of a mountain torrent, and is impracticable.

> "In a military point of view, the expedition to Affghanistan is one of the most memorable events of modern times. For the first time since the days of Alexander the Great, a civilized army has penetrated the mighty barrier of deserts and mountains which separates Persia from Hindostan; and the prodigy has been exhibited to an astonished world of a remote island in the European seas pushing forward its mighty arms into the heart of Asia, and carrying its victorious standards into the strongholds of Mahomedan faith and the cradle of the Mogul Empire. Neither the intricate streams of the Punjab, nor the rapid flow of the

Indus, nor the waterless mountains of Affghanistan, nor the far-famed bastions of Ghuznee, have been able to arrest our course. For the first time in the history of the world the tide of conquest has flown up from Hindostan into Central Asia; the European race has asserted its wonted superiority over the Asiatic; reversing the march of Timour and Alexander, the sable battalions of the Ganges have appeared as conquerors on the frontiers of Persia, and on the confines of the steppes of Samarcand. So marvellous and unprecedented an event is indeed fitted to awaken the contemplation of every thoughtful mind. It speaks volumes as to the mighty step made by the human race in the last five hundred years, and indicates the vast agency and unbounded effects of that free spirit, of which Britain is the centre, which has thus, for a season at least, inverted the heretofore order of nature, made the natives of Hindostan appear as victors in the country of Gengis Khan, and brought the standards of civilized Europe, though in the inverse order, into the footsteps of the phalanx of Alexander."

With this animated and not much exaggerated eulogium on our recent triumphs, I conclude what I have ventured to address to the House, and propose—

"1. That the thanks of this House be given to the right hon. George Earl of Auckland, Knight Grand Cross of the Most Honourable Order of the Bath, Governor-general of the British Possessions in the East Indies, for the judgment and ability with which the resources of the British Empire in India have been recently applied, under his direction, in aid of the military operations to the westward of the Indus.

"2. That the thanks of this House be given to Lieut.-general Lord Keane, Knight Grand Cross of the Most Honourable Military Order of the Bath, for his meritorious conduct in the command of the forces employed to the westward of the Indus; and more particularly for the energy and promptitude with which he planned and directed the assault of the city and fortress of Ghuznee, the success of which brilliant achievement highly contributed to the honour of the British army, and to the rapid accomplishment of the enterprise in which they were engaged.

"3. That the thanks of this House be given to Major-general Sir Willoughby Cotton, Knight Grand Cross of the Most Honourable Military Order of the Bath, and to the several officers of the army, both European and Native, for their good conduct and gallant exertions during the late operations to the westward of the Indus.

"4. That this House doth highly approve and acknowledge the discipline and patient perseverance displayed by the non-commissioned officers and private soldiers, both European and Native, during a long and painful march through an untried country; and doth also highly approve and acknowledge their undaunted courage at the assault and capture of Ghuznee.

"5. That this resolution be signified to them by the commanders of the several corps.

"6. That the said resolutions be transmitted by the Speaker to the Governor-general of India; and that his Lordship be requested to communicate the same to the several officers referred to therein."

Sir *R. Peel* could not deny himself the satisfaction of confirming the truth of the statement, that no difference of political opinion could for a moment induce any political party to withhold the expression of their satisfaction at the success of the British army, and their admiration of the valour and perseverance of those by whom that success had been achieved. He considered it a subject of the highest congratulation to the House and to the country, that now, after an interval of peace of not fewer than twenty-five years, after our armies had been so long without any actual experience in the field, he considered it highly gratifying that our soldiers had shown themselves so worthy of their predecessors in arms, and so fitted to support the military reputation of their country. Whether it was twenty-eight men, or twenty-one thousand, that were engaged, the martial spirit of the British troops was still the same as it was on the eve of the Battle of Waterloo. The troops had not only displayed the greatest personal valour, but there appeared to have been an exhibition of patience, of fortitude, of perseverance under difficulties, which, at least, equally with their personal valour, merited the warmest thanks of the House. It might appear presumptuous in him, an unprofessional man, to add his voice to the tribute of admiration which had been expressed by military authorities, but still, even to military men, the declaration of a civilian that as far as he could judge, the military had performed their duty in the noblest and ablest manner, could not be altogether unwelcome. So far, then, as the conduct of the army was concerned, he could concur in the vote of thanks to the fullest extent. Upon the policy out of which the expedition, upon the state of the finances affected by it, and upon the results, he conceived himself, and, indeed, he was fully justified by the right hon. Gentleman, in reserving his opinion. When the right hon. Gentleman told the House that an army of 8,000 men upon its march was accompanied by 16,000 camp followers; when he told the House, that 27,000 camels were necessary for the baggage attached to that army, and that the full military force was accompanied by a body of 30,000 followers, he should like to see the bill of this march, before he pronounced an opinion upon the advantages to be derived. He had not expected from the notice of the right hon. Gentleman, that the vote was to include the thanks to the Governor-general, and in sanctioning that vote, he must distinctly declare that he limited the expression of his gratitude to the services immediately connected with the military operations, and it would be uncandid in him not to say that he had doubts as to the policy of including civil officers, whatever their merits, in the expression of a gratitude which had reference to military operations alone. These were doubts which were shared by very high authorities. It was quite true, that the thanks of the House were given to Lord Wellesley for the share he had in the military operations in India, when he was Governor-general there; but Lord Wellesley acted as Captain-general of the forces, and placed himself at the head of the expedition. Upon another occasion, when thanks were voted to Lord Wellesley, Mr. Fox remarked that he considered it a new principle to propose a vote of thanks for military successes to any but those who had been actively engaged, and indeed, Mr. Fox went so far as to say that he did not think Lord Wellesley would be very much gratified at the expression of admiration, but, on the contrary, would laugh when he read that the House of Commons had recorded their gratitude for the share he had taken in the military operations. In making these remarks he begged it to be understood that he did not at all undervalue the ability which Lord Auckland had displayed in forming the arrangements. All he wished to express was his doubt of the policy of including civil officers in a vote of thanks for military operations. In the case of Lord Amherst, who made all the preparations for the invasion of Burmah, although every praise was conceded to his prudence and foresight, his name was not included in any vote of thanks. Yet the reward which that noble Lord had received, in being created an Earl, left no doubt as to the approbation which his services had met with at the hands of his Sovereign and his country. The services of Lord Wellesley stood on special and peculiar grounds. Being most anxious, however, that nothing of a disagreeable nature, or appearing like opposition, should appear on this occasion, he would not object to including Lord Auckland in the vote of thanks, but he had thought it his duty to state his doubts upon the principle of the matter. His judgment on the general question of policy he would repeat, he would take leave to reserve. So far as the military operations were concerned, there never was an occasion on which the thanks of a British Parliament to a British army were more amply deserved.

Mr. *Macaulay* could not refrain from expressing his high gratification at the unanimity of the House on this very interesting occasion, and at the manner especially in which the right hon. Baronet had expressed himself in reference to the conduct of the British in India. It was not his intention to enter into any of the political questions which might be considered in connection with this expedition, but he wished to make a remark upon what had fallen from the right hon, Baronet in reference to Lord Auckland. The right hon. Gentleman had omitted all mention of a case of the highest importance—the case of Lord Minto—to whom, after the reduction of Java, the thanks of the House were awarded for the part which he had taken in superintending the military arrangements; nor was the right hon. Baronet correct in supposing that Lord Wellesley had only received the thanks of Parliament as Captain-general, since he also received the thanks of the House in connection with the taking of Seringapatam, when he did not act as Captain-general. He quite conceded to the right hon. Baronet the right, and he fully admitted the propriety, of reserving his opinion as to the general policy under which the expedition took place, till the results were known; but his own conviction was, that this great event would be found, in its results, highly conducive to the prosperous state of our finances in India, and that, as a measure of economy, it would be found not less deserving of praise than it confessedly was in a military point of view. He could bear witness to some of the circumstances to which his right hon. Friend had alluded. Among many peculiarities of our Indian empire there was no one more remarkable than this—that the people whom we governed there were a people whose estimate of our power sometimes far exceeded the truth, and sometimes fell far short of it.

They knew nothing of our resources; they were ignorant of our geographical position; they knew nothing of the political condition or of the relative power of any of the European states. They saw us come and go, but it was upon an element with which they were not acquainted, and which they held in horror. It was no exaggeration to state that not merely the common people, but the upper classes—nay, even the ministers of the native provinces—were, almost without exception, so profoundly ignorant of European affairs that they could not tell whether the King of the French or the Duke of Modena was the greatest potentate. Further, he could tell the House this—when he was in India there was a restless, unquiet feeling existing in the minds of our subjects, neighbours, and subsidiary allies—a disposition to look forward to some great change, to some approaching revolution; to think that the power of England was no longer what it had been proved to be in former times. There was a disposition to war on the part of Ava and other states; on every side, in short, there had prevailed a feeling in the public mind in India, which, unchecked, might have led the way to great calamities; but this great event, this great triumph at Ghuznee, acted so signally by the British troops, had put down, with a rapidity hardly ever known in history, this restless aud uneasy feeling; and there never was a period at which the opinion of our valour and skill, and what was of equal importance, the confidence in our "star" was higher than it now was in India. He believed that the right hon. Baronet opposite would find reason to think that all the expense incurred by these thousands of camels and thousands of troops was sound and profitable economy. He had seen something of the brave men who defended our Indian empire, and it had been matter of great delight to him to see the warm attachment to their country and their countrymen which animated them in that distant land, and which added a ten-fold force to the zeal and vigour with which they performed their arduous duties. While he was on this point, let him remark that there was a disposition in that gallant service to imagine that they were not sufficiently appreciated at home; to think that the Indian service was not so highly considered in England as other services not less able, nor performed with less jeopardy, in other countries. It was extraordinary to see the interest, with what gratification, the smallest scrap, the merest line, in an English newspaper, conveying any praise on this service was received by them, and their delight would be extreme when they came to read the vote of thanks which had been conferred on them unanimously by the House of Lords, and which he trusted would be passed as unanimously by the House of Commons, the more especially accompanied as it was by the testimony to their merits borne by the greatest general that England ever produced. At the same time that this well-merited tribute conferred the highest pleasure on the brave men who shared in the expedition, it would serve as a powerful inducement to every other man in that gallant service to expose himself to every peril and every privation when the interests of the empire required it.

Sir *R. Jenkins* said, that as Chairman of the East India Company, he could not give a silent vote on this occasion, though, after the speeches of the right hon. Gentlemen who had preceded him, there remained very little for him to say. Considering the difficulties under which the expedition was undertaken, there was hardly any person who had not felt very great anxiety as to the result; but every step which the troops made in their progress tended to remove this anxiety, and it was soon felt, that the zeal, and bravery and steady perseverance of the British army, would bring the campaign to a triumphant issue; the whole course of their successes appeared to have been exempt from the usual vicissitudes of war. Mighty armies fled before a mere handful of men; fortresses deemed impregnable had fallen as if by magic, before the skill of our officers and the bravery of our soldiers; victory had followed our standard were defeat was confidently anticipated. The army of India had few opportunities of meeting the enemy in the field, but they had to perform one of the most extraordinary actions in military history; an action more brilliant, more seasonable, more decisive than the capture of Ghuznee had rarely been accomplished. Our Indian service had always looked to the approbation of Parliament and of the country, as its highest reward, and never had a service more entitled itself to such thanks. Never had there been a military exploit of so complicated a nature, and carried to such a distance from the base of its resources, which had so completely answered to the conception on which it was founded; and never had there been a military exploit in which every individual concerned in it, from the Governor-general down to the soldier and sepoy in the ranks, had more richly merited the gratitude of Parliament.

Sir *H. Hardinge* could not refrain from expressing the high approbation which he entertained at the conduct of the Indian army, commanded by a gallant, and now noble, Friend of his. Even before the advance on Ghuznee—even before they had accomplished that brilliant exploit—the conduct of the army had been meritorious in the most eminent degree. The privations and labour it had undergone were of the most trying description. Nor was the merit of endurance under severe privation, and admirable conduct and subordination due only to the British soldiers in this army. In these great military virtues, the British soldiers had been nobly emulated by the Sepoys, whose conduct in every respct and throughout the expedition had been such as to advance them greatly in the estimation of the officers. The capture of Ghuznee was effected by a rare combination of science and skill; science and skill which were doubly worthy of praise, inasmuch as they had saved the effusion of blood to a very considerable extent. The walls were too high to escalade; the ditch too deep to be forded; the artillery not able to batter a breach; but all these great obstacles were overcome by the scientific attainments of Captain, now most deservedly Major, Thompson, who by a plan, most simple in its nature, that of throwing bags of gunpowder against the only practicable entrance, the Cabool gate, opened a way for the admission of the British troops. In blowing open that gate, but one death occurred, and the whole operation only cost us the lives of 200 men. With respect to the plan adopted by Major Thompson, without in the least detracting from the merit of that gallant officer in its admirable and most effective application, he (Sir H. Hardinge) could not help pointing out that the invention of this plan was due to Colonel Pasley, of the engineers, commandmant at Chatham, to whom the Ordnance department, and the public in general, were so much indebted. Of this gallant officer, Major Thompson had been a worthy pupil, and had known how to apply the invention to the readiest and most effectual account. The right hon. and gallant Member concluded by expressing his hope that the late triumphs of the British arms would have a salutary effect upon our subjects and tributaries in India.

Sir *H. Vivian* said, that his long and intimate friendship and near connection with his noble and gallant Friend under whose orders the army had acted would not allow him to give a silent vote. The right hon. Baronet opposite hesitated whether to include the noble Lord at the head of the Government of India in the vote of thanks, but it should be remembered, that it was by Lord Auckland that all the arrangements of this expedition were prepared, and in another place the highest approbation of those arraugments had been expressed by that great man who had so often led our armies to victory, and who had distinguished himself as a soldier beyond all other men. He could not but think Lord Auckland fully entitled to the thanks of Parliament. With regard to the noble and gallant Lord who had led forth our army in India to triumph, he had been in constant communication with that noble and gallant Lord, and, in his various communications, had learnt the many and great difficulties with which he had had to contend, and he could not express to the House in stronger terms what these difficulties had been, than by reading an extract he had received from Lord Keane, dated Candahar, June 26th. It was as follows:—

> "When that which had been required for us in the Scinde was concluded, I was desired to push forward in command of the force styled the Army of the Indus, and make such arrangements as I deemed necessary for the invasion of Affghanistan. Time was on the wing, and admitted of no delay. I felt the measure was a bold one; I knew I had a distance of 300 miles, through a bleak, an ill-supplied, and a strong country, between me and this place, but I felt to go was necessary. The order to advance was in my pocket; I had the utmost confidence in the troops, and go I did. Whatever were the obstacles and difficulties I had to apprehend, I hesitated not to move on, with stout hearts and without a murmur on the part of the men. We overcame all impediments, and walked an efficient force up to those towers of which we gained possession on the 26th of April. Had the Scindes faced us in the field, they would have been punished for their temerity. The troops desired nothing better than a fair fight, having marched so far for it."

With respect to Ghuznee, it was unnecessary for him to enter into any details, but there was one point, and a very important point, which had not been alluded to;—namely, the conduct of the troops after they had forced their way into the place. That conduct did them the highest honour. There was no instance of improper conduct, of complaint to the commander-in-chief, and females had been respected to the utmost possible extent, a circumstance almost unprecedented, and which entitled the troops to the highest praise. It was with great delight that he found his noble and gallant Friend uphold the character he had obtained under the great captain of this country.

Mr. *Hume* had much pleasure in concurring in this vote, and he looked back with great satisfaction upon the manner in which the whole expedition had been conducted. He believed that it was an expedition more likely to be beneficial to India than any which had previously taken place. Having seen the lamentable results of inefficient attempts to carry out great arrangements, he thought the conduct of Lord Auckland was marked by the greatest wisdom, inasmuch as he had assembled an overwhelming power to carry his design into execution. Besides, much of the success of the expedition was owing to the ample manner in which the necessary supplies had been provided. He had served thirty-five years ago in India, with some of those regiments which appeared to have distinguished themselves, and he knew that it was a matter of complaint among such men that their brave and gallant actions were not sufficiently valued at home. He believed the Indian army had not received the full meed of approbation for their gallant conduct; and he was therefore gratified by the unanimous vote of approval which the House was about to pass. He thought Lord Auckland's conduct eminently entitled him to be included in the vote. With regard to the anxiety of the right hon. Baronet opposite to know the state of the revenue, he was satisfied that when the accounts were produced, heavy as they must be, yet, considering the effect produced upon the whole of India, the expense would be found in reality enonomical.

Sir *De Lacy Evans* rose to express his entire concurrence in the vote, at which he felt much gratified. With regard to the expediency including the Governor-general in the vote, he had only one observation to make. He had the honour of listening to the illustrious Duke, whose authority was admitted on all hands to be the highest that could possibly be alluded to, when he was expressing himself upon this subject. In the warm and strong expression of his approbation and admiration for the conduct of the expedition, the noble Duke's expression had been at least as strong, if not stronger, in reference to the Governor-general, than to the general officers, or troops concerned in it. If there was no precedent for including the Governor-general in the vote, this was a very good time to establish one, for there never was a time when the good conduct of a Governor-general or of a civil authority was more conspicuous.

Sir *Robert Peel* should be sorry to do injustice to Lord Auckland. He should regret if it were supposed that he had expressed any doubt of the zeal or activity of Lord Auckland. He only doubted the policy, upon principle, of including a civilian in a vote of thanks to military authorities. He objected to including the Governor-general, as he should object to including a Secretary of State. For instance, Lord Bathurst, by his attention to military supplies, might have been largely instrumental in obtaining the successes in the Peninsula; but he should have objected to including him in such a vote of thanks, on the general principle that a civilian ought not to be included in thanks to officers for a military exploit. He did not doubt the personal good conduct of Lord Auckland, or that he had been distinguished by the utmost attention to those preparations which fell within his province.

Sir *J. C. Hobhouse* said it was quite unnecessary for him to say a word, after the unanimous approbation with which the proposal had been received. He would not have risen, but that the hon. Gentleman seemed to imply that he had himself expressed some doubt of the policy of Lord Auckland. He had not expressed any doubt of the kind. It was his intention to have said, that if ever the opportunity should occur, he would be prepared to take his share in the defence of the policy of the expedition.

First and second resolutions carried unanimously.

Upon the third resolution, conveying the thanks of the House to Major-General Sir Willoughby Cotton and the other officers, being put,

Sir *Henry Hardinge* said he thought he heard the right hon. Gentleman speak of Brigadier-General Sale by the title of brigadier-general. He believed that gallant officer had led the storming party at Ghuznee, and distinguished himself, as he always did, in a most eminent manner. He believed it was the usual practice to thank general officers by name, and therefore begged to know whether the name of Brigadier-General Sale was to be included in the resolution. He did not know whether he was in order; but he was obliged to advert to the point now, because the resolutions had not been made known to the House, as he thought they ought to have been, before that night.

Sir *J. C. Hobhouse* said he had originally intended to include the names of all the general officers, not only that of Brigadier-General Sale, but those of General Wilshire and General Thackwell, but he was afraid of making some mistake by leaving out the name of any officer who might be entitled to be mentioned. He thought it safer, therefore, to put only the name of the second in command.

Sir *Henry Hardinge* said that after the battle of Waterloo all general officers had been thanked by name. He attached great importance to the point. Every officer, under the circumstances, thought it a high honour to himself and his family to have his name mentioned, and he should therefore, strongly recommend that the resolution should include the names of all the general officers present at the capture of Ghuznee, or within hearing of the guns.

Sir *J. C. Hobhouse* said there would be an inconvenience in making a distinction between the votes of that House and those come to by the House of Lords. Every one must have been aware of the nature of the resolutions from having seen those agreed to by the House of Lords. It would not answer to include in the resolution the names of those only who had been present at Ghuznee, because the resolutions applied to all concerned in the expedition.

Sir *R. Peel* thought it would be awkward to come to a different conclusion from the House of Lords. At the same time, to draw a distinction between truly brilliant services, as those performed in India, and others performed in Europe, might create dissatisfaction. Perhaps the better course would be, first to follow the precedent of the House of Lords, in passing these resolutions, and afterwards that both Houses should specifically mention the names of the general officers.

The third and other resolutions unanimously agreed to.

Socialism.—Case of Mr. Pare.]—Lord *Ashley* said that, with a view of saving the time of the House, he would take the liberty of putting a question to the noble Lord, the Secretary for the Colonies. He wished to know whether a rumour which prevailed was correct, that Mr. Pare had ceased to hold the office of superintendent registrar of the town of Birmingham.

Lord *John Russell* said that Mr. Pare had tendered his resignation of the office of superintendent registrar of Birmingham. That resignation had been accepted, and Mr. Pare had ceased to hold the office.

Lord *Ashley* said, that Mr. Pare having ceased to hold the office, he would not at present bring forward the motion of which he had given notice. He must be allowed to say, however, that if Mr. Pare were guilty, the Government ought to have passed sentence on his conduct, and if he were not guilty they ought to have supported him. He should take the liberty of bringing the whole subject under the notice of the House at an early period.

Mr. *Warburton* rose, but

The *Speaker* begged to remind the hon. Gentleman that there was no question before the House.

Mr. *Warburton:* Then I move the adjournment of the House. The hon. Member said, that the noble Lord was not contented with asking a question and receiving an answer, but proceeded to make an observation with regard to Mr. Pare. He (Mr. Warburton) should therefore now state what had come to his knowledge of the character of Mr. Pare. A petition had been presented by Mr. Pare respecting his conduct, which had been the subject of observation in another place. The character of an individual was at stake, and if this opportunity were not taken of justifying Mr. Pare, as far as his conduct admitted of justification, the opportunity would be lost. It would go forth to the world that he had resigned his situation, and that no observation had been made upon the mode in which the circumstance had taken place [" *Order, order.*"] He would stand on his right to make this observation [" *Order*" and " *cheers.*"]

The *Speaker:* The hon. Member has moved the adjournment of the House. I apprehend that making that motion does not entitle him to go into observations on another subject.

Mr. *S. O'Brien* believed that this was the first time the House had shown an indisposition to hear the defence of an individual who had been openly assailed in the House.

Lord *Ashley* could assure the hon. Member for Bridport, that he had not said a word against Mr. Pare. He had merely said, hypothetically, that if Mr. Pare was guilty, the noble Lord should have dismissed him; and if not guilty, the noble Lord should have brought the whole force of the Government to support him.

Mr. *Warburton* said the noble Lord had given notice of a motion upon the conduct of Mr. Pare. It was then announced that Mr. Pare had resigned, and no observation having been made upon that by the noble Lord, it would be left in doubt whether Mr. Pare was guilty or not. It would be the consummation of injustice to refuse to hear his defence. If he gave a notice on the subject, he could not tell when he might have an opportunity of bringing it before the House. In the meantime Mr. Pare's conduct would be subject to all the reflections that might be made. The hon. Member was proceeding, when

Sir *George Clerk* rose to order, and said it was totally contrary to the practice of the House to move an adjournment, and then proceed to make observations upon some other subject.

Mr. *Warburton* would not press the subject upon an unwilling House, but would call the attention of the House to the petition of Mr. Pare to-morrow.

Lord *John Russell* could not help observing that the whole irregularity of this discussion was owing to the course taken by the noble Lord. If the noble Lord had contented himself with asking the question, there would have been no irregularity. But the noble Lord first rose at an irregular time, and then, not contented with getting an answer, he made an observation, that if Mr. Pare was guilty, he ought to have been dismissed, and if not, to be defended. Upon that arose the whole question. He did not take notice of the observation at the time, thinking it might lead to some discussion; but he denied that the noble Lord had a right to make any inference as to Mr. Pare being guilty or not guilty of any particular crime.—Subject dropped.

Lighting the House.] Sir *F. Trench* said, he was about to address the House on a practical question, and one upon which he did not feel it necessary long to occupy the time of the House. He should wish, however, that, if possible, it should be discussed in a full House, as it was a subject in which all the hon. Members were interested. When the present mode of lighting the House had been first adopted, it had been suggested that time might be afforded for further experiments; that time had been afforded, and the House was now in a condition to pronounce its opinion as to the success of the experiments. He had taken great pains on that subject: he had incurred odium and obloquy, and some ridicule in consequence; but he should be amply rewarded if he were enabled to effect an improvement. The hon. and gallant Gentleman moved—" That the mode of lighting the House of Commons by wax candles, is preferable to the present manner of lighting, and that, therefore, the lustres and green shades be replaced forthwith."

Lord *Eliot* would state one fact which he thought would induce the hon. and gallant Member to postpone his motion. Before they came to any decision, they ought to be afforded an opportunity of seeing the effect of the present light; but sufficient notice had not been given to Mr. Gurney, to enable him to complete his arrangements. He hoped that sufficient time would be given to complete those arrangements before the House came to any decision. He could accomplish all those arrangements during the Easter recess. He was acquainted with Mr. Gurney, and he was able to state that he was a man of talent and industry, and he should hope that the experiment would be fairly tried.

Mr. *Hume* said, that Mr. Gurney had received very short notice to make the arrangements for lighting the House, but when sufficient time should be allowed him, there was no doubt that he would be able to remove any inconvenience which existed. There was one inconvenience which hon. Members must have noticed, namely, a sort of fog or mist which was sometimes perceived, but that arose not from the mode of lighting, but from the mode of ventilating the House, which filled the air with particles of dust, and rendered it unfit for respiration; it was caused by the House being ventilated from below. He hoped they would allow time to have the experiment fairly tried before they decided.

Mr. *Warburton*, wished that the experiment should be fairly made, and the hon. and gallant Officer could at any subsequent period renew his motion. He found the greatest relief from the new mode of lighting, for, instead of numerous candles glaring in his face, the light was now above, and the hat formed a shade for the eyes. It was desirable that as large a number of Members as possible, should pronounce their opinions upon the subject, and it was peculiarly desirable, that the Speaker should state his opinions, which were most important.

Mr. *Benett* said, he was a very old Member of the House, and was agreeably surprised, on first seeing the new light, to find, that though a little gloomy at first, on taking a paper of small print from his pocket, he found he had not been able to read for many years past, so well as on that occasion. He was perfectly satisfied, that this light was the best the House had yet tried. He should, therefore, vote at all events for a longer trial.

Mr. *Briscoe* said, he was not so old a Member, nor was his sight so defective, though not so good as it had been. He felt it difficult to decide upon the subject, but was, on the whole, inclined to think he gave the preference to the present. With respect to the mist, he thought it did not arise from the light, but from the dust which arose from the numerous holes in the floor for the purpose of ventilation. There were gentlemen engaged in the gallery above, to whom the light and its effects were of the utmost consequence, and he had taken it upon himself to ask them their opinion respecting the present lights, and they were unanimous in its favour. He certainly would vote for the Bude light.

Colonel *Salwey* considered, that they were greatly indebted to the hon. and gallant Member, for his repeated attempts to enlighten the House. He thought

" 'Twas sweet to view, from half-past five to six,
Their long wax-candles, with short cotton wicks,
Touch'd by the lamplighter's Promethean art,
Start into light, and make the lighter start."

Having seen it in that light, he should certainly support the hon. Member's wax-candle motion.

The House divided:—Ayes 69; Noes 50: Majority 19.

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Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Baillie, Colonel
Barneby, J.
Barry, G. S.
Bentinck, Lord G.
Bolling, W.
Bowes, J.
Bradshaw, J.
Bridgeman, H.
Broadley, H.
Burrell, Sir C.
Calcraft, J. H.
Chapman, A.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Darby, G.
Dick, Q.
Dowdeswell, W.
Duncombe, hon. W.
Duncombe, hon. A.
Ellis, J.
Filmer, Sir E.
Gaskell, J. M.
Gordon, R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, Sir J.
Grimsditch, T.
Hodgson, R.
Hope, hon. C.
Hotham, Lord
Houldsworth, T.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
Jermyn, Earl
Jones, J.
Knight, H. G.
Lambton, H.
Liddell, hon. H. T.
Litton, E.
Lygon, hon. Gen.
Meynell, Captain
Morris, D.
O'Ferrall, R. M.
Packe, C. W.
Pakington, J. S.
Perceval, Colonel
Polhill, F.
Praed, W. T.
Pringle, A.
Rae, rt. hon. Sir W.
Round, J.
Rushbrooke, Colonel
Salwey, Colonel
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Smyth, Sir G. H.
Somerset, Lord G.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verner, Colonel

TELLERS.

Trench, Sir F.
Fremantle, Sir T.

List of the NOES.

Aglionby, Major
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Benett, J.
Blake, M. J.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bruges, W. H.
Busfeild, W.
Clay, W.
Crompton, Sir S.
Currie, R.
Duke, Sir J.
Eliot, Lord
Elliot, hon. J. E.
Evans, W.
Fenton, J.
Finch, F.
Greg, R. H.
Greig, D.
Hughes, W. B.
Langdale, hon. C.
Lincoln, Earl of
Macaulay, rt. hn. T. B.
Maule, hon. F.
Morpeth, Viscount
Muntz, G. F.
Muskett, G. A.
Norreys, Sir D. J.
Ord, W.
Pigot, D. R.
Pusey, P.
Rickford, W.
Rolleston, L.
Russell, Lord J.
Sheil, rt. hon. R. L.
Smith, B.
Staunton, Sir G. T.
Style, Sir C.
Teignmouth, Lord
Turner, E.
Wallace, R.
Ward, H. G.
White, A.
Winnington, Sir T. E.

Wyse, T.
Yates, J. A.

TELLERS.
Hume, J.
Warburton, H.

HIGHWAYS OVER BRIDGES.] Mr. *Barneby* moved for leave to bring in a bill "to remove from counties the expense and liability of repairing the highways over bridges, and the 300 feet next adjoining to any ends of the same."

Lord *G. Somerset* opposed the motion. If the expense of repairing such highways should be taken from the counties, it must necessarily be imposed on private individuals or parishes. To such a proposal he should strenuously object, as, instead of localising such expenses, they should rather be disposed to generalise them.

Sir *C. Burrell* said, that until they should see how the railroads would answer, they ought not to suffer the common road-trusts to fall totally into neglect.

Mr. *Jones* said, that most of the highway-trusts through the country were insolvent. He thought that a county should be the smallest space that ought to be rated for the repair of those roads.

The House divided:—Ayes 17; Noes 52: Majority 35.

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Aglionby, Major
Bowes, J.
Dowdeswell, W.
Eliot, Lord
Evans, W.
Jackson, Sergeant
Lambton, H.
Litton, E.
Lygon, hon. General
Maule, hon. F.
Perceval, Colonel
Pigot, D. R.
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Turner, E.
Verner, Colonel
Winnington, Sir T. E.

TELLERS.
Barneby, J.
Darby, G.

List of the NOES.

Barnard, E. G.
Blair, J.
Bolling, W.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Crompton, Sir S.
Currie, R.
De Horsey, S. H.
Duke, Sir J.
Duncombe, hon. W.
Duncombe, hon. A.
Filmer, Sir E.
Finch, F.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greig, D.
Grimsditch, T.
Hawes, B.
Hodgson, R.
Houldsworth, T.
Hughes, W. B.
Hume, J.
Humphery, J.
Hurt, F.
Irton, S.
Jones, J.
Langdale, hon. C.
Mahon, Viscount
Morris, D.
Muntz, G. F.
O'Brien, C.
Ord, W.
Packe, C. W.
Power, J.
Rickford, W.
Rolleston, L.
Rushbrooke, Colonel
Salwey, Colonel
Scarlett hon. J. Y.
Sheppard, T.
Smyth, Sir G. H.
Somerset, Lord G.
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